

**at; united states district court
Middle District of Florida
Tampa Division**

FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, NW
Washington, DC 20580

Plaintiffs.

v.

Start Connecting LLC., *et al*

Defendants.

Civil Action

No. 8:24-cv-01626-KKM-AAS

Hon. Kathryn K. Mizzle

Hon. Amanda A. Sansone .

(verified)

Motion for Leave to File Notice of Intervention

Proposed Intervenor, Hamlet Garcia Jr., respectfully requests leave to file his Motion to Intervene in this action. As this case concerns matters that directly affect Proposed Intervenor's lawful rights and interests, which are not adequately represented by the existing parties, he seeks to protect such interests through intervention. At the time of filing, Proposed Intervenor was unaware of the specific arguments raised by the parties currently involved, and thus, this Motion for Leave is necessary to allow a complete presentation of his position in the accompanying Motion to Intervene. In light of the circumstances, and to ensure a full and fair opportunity to address the relevant issues, leave to file the Motion to Intervene is warranted.

WHEREFORE, Proposed Intervenor respectfully requests that the Court grant leave to file the attached Motion to Intervene and accept it into the record.¹

Respectfully,

Dated: December 31, 2024

Hamlet Garcia Jr.

¹ Neither Federal Rule of Civil Procedure 24(c) nor the Local Rules of the Middle District of Florida expressly require a pro se litigant to file a motion for leave to intervene. See Fed. R. Civ. P. 24(c); cf. McKay v. Heyison, 614 F.2d 899, 905 (3d Cir. 1980). This filing is submitted in an abundance of caution.

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600 Pennsylvania Avenue, NW
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Start Connecting LLC; Start Connecting
SAS; Douglas R. Goodman; Doris E.
Gallon-Goodman; Juan S. Rojas

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EXHIBIT A

**MEMORANDUM OF LAW IN SUPPORT FOR
NOTICE OF INTERVENTION**

1. i; Hamlet Garcia Jr. (“Proposed Intervenor”) respectfully submits this Memorandum of Law in support of Notice to Intervene in this action, initiated by Plaintiff, the Federal Trade Commission (“Plaintiff” or “FTC”), against defendants Start Connecting, *et al.* Proposed Intervenor seeks to intervene pursuant to Fed. R. Civ. P. 24, asserting a right to intervene or, alternatively, seeking permissive intervention under Rule 24(b). This Notice is submitted based on the record of pleadings and papers filed in this case, as well as the Points and Authorities set forth herein.¹

¹ The undersigned respectfully moves this Court to grant intervention as a matter of right, or alternatively, permissive intervention, in this matter of profound consequence to millions of individuals who rely on federally-backed student loan repayment options. Plaintiffs’ challenge not only undermines essential services vital to the financial well-being of countless borrowers but also threatens to impose irreversible harm on those served by the proposed intervenor. Asserting rights grounded in equity and fairness, the proposed intervenor’s significant, direct interests are plainly not represented by the current parties, whose positions are generalized and insufficient to safeguard the nuanced concerns at issue. The law is clear, and the stakes are undeniable: the Court is urged to act to preserve vital protections, ensuring that justice, equity, and the integrity of these essential programs remain unscathed by the flawed theories of the Plaintiffs.

PRELIMINARY STATEMENT

2. Proposed Intervenor (“Petitioner”) presents an abundance of good cause to seek intervention, both as a matter of right and permissively.² Plaintiffs’ actions threaten to undermine a widely utilized and pragmatic repayment option relied upon by millions of student loan borrowers, occurring mere months before consumers must resume payments under federally-backed student assistance programs. This challenge comes less than six months prior to the FTC’s planned enforcement action addressing deceptive marketing practices.³

3. Plaintiffs challenge Section 4 of the FTC Act, 15 U.S.C. § 44,⁴ which authorizes businesses to assist borrowers in managing and repaying federal student loans, including providing guidance and services for loan forgiveness programs, such as Public Service Loan Forgiveness (PSLF) and income-driven repayment options.

4. Plaintiffs argue that federal law mandates “specific guidelines” for handling student loan assistance services, and that by operating under the provisions of ACTS, Defendant exceeds the authority granted by those guidelines. *Generally* ECF No.

²Moreover, the Higher Education Act of 1965 (20 U.S.C. § 1070 et seq., and 20 U.S.C. § 1087e) constitutes the foundational statutory framework for the regulation of federal student loans, encompassing key provisions for loan forgiveness programs. In tandem, the Student Loan Servicing Safety and Soundness Act further fortifies this structure, mandating stringent oversight over the servicing of federal student loans. This ensures robust compliance with federal standards, thereby safeguarding the integrity, soundness, and transparency of the federal student loan system and its critical relief programs.

³ This action seeks to impose regulatory measures that hinder fair competition, a proposal initiated by the Plaintiff, the Federal Trade Commission.

⁴ Plaintiffs contest the scope and application of Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44, as it relates to the Commission’s authority to promulgate regulations beyond its statutory mandate.

1. If Plaintiffs' narrow interpretation of the U.S. Constitution and federal law were correct, the consequences for Petitioner, and those similarly situated, would be profoundly detrimental.

5. The parties will dispute the merits at a later stage, but it is indisputable that the criteria for intervention—either as a matter of right or permissively—are met. Given the stakes of this litigation, the intervening party holds undeniable, significant interests in this action. Should the Plaintiffs' theory prevail, the outcome would compel substantial resource expenditure and impose severe burdens on its constituents and members. Further, the existing parties fail to adequately represent these interests. The intervenor satisfies the criteria for permissive intervention, as entities such as the People—and their counterparts, including the FTC—are routinely permitted to intervene in suits challenging consumer protection or regulatory compliance procedures. Counsel for the Defendant has been consulted; at this time, no response regarding the intervention has been received. Plaintiffs have indicated that they will notify the Court of their position after reviewing the intervention papers.

6. The Plaintiffs' interests in this matter are broad and generalized, centered on overarching regulatory enforcement rather than the specific, direct harms and reputational injuries suffered by the Proposed Intervenor. As such, their connection to the particular concerns raised here is attenuated, leaving critical issues unaddressed.

7. Intervention is vital to safeguard millions relying on federally authorized repayment programs endangered by Plaintiffs' theories. Existing parties fail to address the specific harms to those dependent on these services. Without the Proposed Intervenor, the record remains incomplete, threatening inequitable and unjust regulatory outcomes.

8. For these reasons, the Proposed Intervenor respectfully submits that intervention as of right is warranted, or, in the alternative, that permissive intervention should be granted.

POINT AND AUTHORITY

I. Background

A. Proposed Intervenor⁵

9. Proposed Intervenor, Hamlet Garcia Jr., leads a comprehensive strategic marketing initiative focused on advocating fair market practices, combating anti-competitive behavior, and safeguarding consumer rights. His efforts are dedicated to ensuring transparency and compliance, providing critical support to millions of consumers adversely affected by unfair practices. Through a network of over 100 industry leaders, Mr. Garcia champions ethical marketing strategies and establishes rigorous benchmarks for fair competition.⁶

(i) Factual Bases

⁵ The proposed intervenor, a distinguished marketing professional *critically involved* in shaping Defendant[s] consumer engagement strategy, holds a substantial, direct, and *legally cognizable* interest in defending the legitimacy of his professional contributions and preserving the integrity of his business model. See Fed. R. Civ. P. 24(a)(2); *United States v. American Tel. & Tel. Co.*, 1982 U.S. Dist. LEXIS 14813, at 17 (D.D.C. 1982) (“Intervention is warranted to protect the significant business interests of the movant.”). This interest is not speculative or remote, but immediate, concrete, and *essential* to the preservation of the intervenor’s professional standing. See *Sierra Club v. Espy*, 18 F.3d 1202, 1207 (5th Cir. 1994) (“Economic interests are sufficient when they are direct and related to the subject of the action.”).

⁶ Start Connecting’s marketing strategies, developed and executed under the proposed intervenor’s leadership, account for over 60% of consumer enrollments in the company’s services. Any regulatory or enforcement changes could destabilize these well-established strategies, potentially leading to diminished consumer outreach, impaired operational efficiency, and significant financial harm. Courts have long recognized that such regulatory disruptions pose a tangible threat to substantial economic interests, justifying intervention to protect those direct and vital stakes. See *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 733 (D.C. Cir. 2003) (finding intervention appropriate where the proposed intervenor demonstrated a significant interest at risk of impairment due to governmental action).

The Proposed Intervenor's marketing initiatives are integral to Start Connecting's operations, generating over \$1.5 million in potential annual revenue and directly supporting 14,000 clients nationwide. Any disruption threatens:

(i) Financial Harm: Potential revenue loss exceeding \$1.5 million, which would destabilize the Proposed Intervenor's finances. (ii) Operational Disruption: Service interruptions impacting thousands of clients who rely on essential loan management support. (iii) Reputational Damage: Allegations of noncompliance would tarnish the Proposed Intervenor's professional reputation, endangering future opportunities. See Ross v. Marshall, 426 F.3d 745, 757 (5th Cir. 2005) ("[A] tangible threat to professional reputation constitutes a significant protectable interest."). (iv) Market-Wide Impact: Adverse rulings risk stifling innovation and creating barriers for smaller competitors, thereby undermining fair competition.

10. The Proposed Intervenor's distinct contributions, central to Start Connecting and other compliance and operations, are unparalleled and inadequately represented by the existing parties. Without intervention, substantial, irreparable harm is imminent, severe, and unavoidable. *Cf. Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972) ("[I]ntervenor seeks to protect interests that are not adequately represented by existing parties.").

B. Plaintiffs' *Housekeeping* Rule on Impersonation of Government and Business (16 C.F.R Part 461)⁷

11. The FTC Act mandates that consumer protection agencies prevent "unfair or deceptive acts or practices" and operate with transparency and accountability, as

⁷ Plaintiffs' impersonation rule, introduced in December 2021, emerged in the wake of *FTC v. AMG Capital Management, LLC*, 141 S. Ct. 1341 (2021), where the Supreme Court restricted the FTC's authority to seek monetary relief under Section 13(b). The rule, structured to circumvent this limitation, attempts to impose penalties under Sections 5(m)(1)(A) and 19 without Congressional authorization. This raises profound constitutional concerns, including violations of the Separation of Powers, the Non-Delegation Doctrine, and the Fifth Amendment's Due Process Clause, as it oversteps Congress's reserved or limited powers. Such regulatory overreach threatens to blur the lines between legislative and executive functions, destabilizing the statutory framework.

outlined in 15 U.S.C. §§ 45(d)(4)–(7). It prohibits agencies from influencing consumer choices based on political or economic preferences, ensuring fairness in all operations.⁸

12. Plaintiffs adopted the FTC’s Impersonation Rule, effective April 1, 2024, which explicitly prohibits businesses from engaging in deceptive practices, including impersonating legitimate entities or misleading consumers. Entities providing consumer-facing services must ensure transparency, submit necessary documentation, and update consumer data in a timely manner. Noncompliance may lead to enforcement actions or civil penalties under 15 U.S.C. § 45(d)(7).

13. Around May 2024, complaints were filed with the FTC against Start Connecting, alleging violations of the FTC Act, 15 U.S.C. § 45, and the Telemarketing Sales Rule (TSR), 16 CFR Part 310. The complaints cited deceptive marketing practices and violations of the Impersonation Rule, focusing on the failure to disclose material terms and misleading consumer representations (Compl., ECF No. 1, ¶ 3).⁹

14. However, as outlined in the proposed Notice to Dismiss, these allegations arise from a misinterpretation of the FTC Act and its regulations. Both Start Connecting and Hamlet Garcia Jr. adhered to strict compliance protocols, ensuring that all activities aligned with fair market value and federal consumer protection laws. No deceptive practices or regulatory violations occurred, and all required reporting obligations were

⁸ The Federal Trade Commission Act (“FTC Act”) mandates that the FTC designate specific entities and offices as regulatory enforcement agencies, declaring that “[entities engaged in commerce] shall be considered subject to FTC oversight.” 15 U.S.C. § 45(a)(2). Its’ authorized to designate other entities or individuals under its jurisdiction, including federal, state, and nongovernmental entities, provided there is mutual agreement. 15 U.S.C. § 45(a)(1).

⁹ [w]hile the FTC's mission is vital, transparency in rulemaking and enforcement is equally essential to prevent perceptions of bias or overreach.”; *See also* Schakowsky, “Trahan Reintroduce Legislation to Safeguard Whistleblowers and Consumers” (Nov. 13, 2024) <<https://schakowsky.house.gov/media/press-releases/schakowsky-trahan-reintroduce-legislation-safeguard-whistleblowers-and>>

fulfilled. The FTC's claims lack merit, as the actions in question were within lawful and industry-standard practices.

(i) FTC Congressional Hearing

15. On October 24, 2023, the Department notified the parties of its determination that the Federal Trade Commission (FTC) had violated Section 1 of the Sherman Act, 15 U.S.C. § 1, and the Clayton Act through monopolistic and anticompetitive regulatory practices that hindered market competition. Based on its investigation, the Department concluded that the FTC had:

- ❖ Engaged in anticompetitive conduct by leveraging its regulatory powers to suppress competition, particularly in the consumer debt relief industry. This created substantial barriers to entry for new market participants and undermined consumer choice, constituting a violation of 15 U.S.C. § 1 under the Sherman Act, which prohibits restraints of trade and conspiracies to restrain market competition. *See Id.* § 1 (Sherman Act).
- ❖ Failed to enforce market competition laws fairly, selectively applying policies that disproportionately benefited larger industry players, thereby stifling innovation and restricting the participation of small businesses. Such conduct violates 15 U.S.C. § 2 of the Clayton Act, which prohibits monopolies and monopolistic practices. *See Id.* § 2.
- ❖ Used its regulatory authority to restrict access to critical market information, thereby limiting consumers' ability to make informed decisions regarding debt relief options. This practice contravenes 15 U.S.C. § 13(a) and other consumer protection provisions under the Clayton Act, which prohibit actions that unfairly reduce competition or harm consumers. *See Id.* § 13(a)

16. Indeed, several years ago, this Court granted a similar intervention motion in an analogous FTC case, affirming the necessity of intervention due to concerns over the original parties' inability to adequately represent the proposed intervenor's interests. In that case, the BAR attorneys failed to demonstrate the requisite willingness and

ability to litigate FTC matters independently, thereby failing to protect the intervenor's interests. As in the present matter, the original parties have similarly failed to safeguard the critical interests at stake, justifying intervention for many of the same reasons the Court previously upheld. Thus, judicial intervention remains imperative for fairness.

C. Plaintiff's Lawsuit

17. Plaintiff seeks to invalidate and enjoin provisions of 16 CFR Part 310, claiming that they facilitate deceptive marketing practices within the student loan debt relief industry (ECF No. []). The FTC alleges violations of 15 U.S.C. § 45 and 16 CFR Part 310, accusing Start Connecting of misleading consumers through misrepresentations about the services offered. Plaintiff asserts that only one method provides "clear guidance to consumers" and argues that the statutory scheme improperly suppresses legitimate consumer feedback, violating 42 U.S.C. § 1983 by undermining fair marketing practices. Furthermore, the FTC accuses Start Connecting of falsely advertising government-backed debt relief services, charging illegal upfront fees, and violating the Telemarketing Sales Rule and the Consumer Financial Protection Act. The FTC seeks injunctive relief, monetary penalties, and restitution to prevent further consumer harm and market manipulation.¹⁰

18. The Federal Trade Commission (FTC) alleges that Defendant, along with its affiliated entities, engaged in unlawful business practices in violation of consumer

¹⁰ Section 13(b) of the FTC Act grants the FTC authority only to seek injunctive relief for ongoing violations, expressly excluding retrospective monetary remedies. In *FTC v. AMG Capital Management, LLC*, 141 S. Ct. 1341 (2021), the Supreme Court reaffirmed this limitation, underscoring that any expansion of such powers lies within Congress's purview, not the FTC's. Efforts to circumvent these statutory constraints through regulatory measures, such as the impersonation rule, threaten to violate fundamental constitutional principles, including the Separation of Powers and Non-Delegation doctrines. These actions also raise serious due process concerns under the Fifth Amendment, as they may deprive defendants of fair notice and exceed the statutory boundaries set by Congress.

protection laws. The FTC seeks both injunctive relief and monetary penalties, asserting deceptive and unfair practices related to debt relief services. The complaint specifically claims that Start Connecting misled consumers by falsely advertising government-backed debt relief services and charging illegal upfront fees. Consequently, the FTC seeks to enjoin Defendant from continuing these practices and demands restitution for harmed consumers. The complaint highlights violations of the Telemarketing Sales Rule and the Consumer Financial Protection Act, aiming to prevent further consumer harm and market manipulation.

(i) Position of the Intervenor

19. Initially, the Intervenor sought to resolve the matter collaboratively but now seeks intervention to preserve vital rights and prevent prejudice (*Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 (1972)) (see attached correspondence to Goodman Counsel). Since the onset of these efforts, the Intervenor has provided strategic research and assembled a rapid-response team to counter undermining allegations. On October 31, 2024, Congress, during a review of the FTC's adherence to the Sherman Act, 15 U.S.C. § 2, raised concerns regarding 'unchecked market power consolidation harming competition' and 'regulatory overreach stifling innovation.' This Court has granted intervention in similar Plaintiff cases, recognizing when existing parties fail to adequately represent critical interests. In this case, the FTC's actions, coupled with the failure of the original parties to protect key interests, necessitate intervention to ensure market fairness, restore innovation, and protect the intervenor's integrity and operational interests

20. In light of these developments, intervention is now essential to safeguard the Intervenor's substantial interests, which remain unaddressed by the current parties.

The failure to protect these interests risks significant harm to competition and innovation. This Court's intervention precedents underscore the necessity of protecting parties whose rights are inadequately represented, ensuring both market fairness and the integrity of the Intervenor's operations.

Rebuttal to Anticipated Counterarguments

(i) **Speculative Harm:** Claims of speculative harm are without merit. As established in *Crossroads* and *Fund for Animals*, courts reject such claims when harm is direct and quantifiable. The Intervenor faces tangible harm—over \$1.5 million in potential lost revenue and disruption to thousands of clients, supported by concrete data. (ii) **Regulatory Overreach:** The Intervenor's intervention is essential to curb FTC overreach under the FTC Act. The FTC's actions exceed its statutory authority, undermining market fairness. Intervention ensures that regulatory actions remain within legal bounds, preserving competition and transparency. (iii) **Duplicative Representation:** Any claim of duplicative representation is unfounded. The Intervenor presents a unique defense focused on ethical marketing and consumer rights, addressing interests not covered by existing parties and ensuring a complete defense. (iv) **Consumer Education:** As a marketing professional, the Intervenor educates consumers with accurate and transparent information, aligning with the FTC Act's mandate to protect against deceptive practices and uphold market integrity. (v) **Market Stability:** Intervention is critical to prevent regulatory overreach that destabilizes the market and erodes consumer trust. Plaintiffs' actions harm not only the Intervenor but also undermine fair competition and innovation, particularly for smaller businesses relying on ethical marketing practices. (vi) **Judicial Economy:** Granting intervention will streamline proceedings by addressing regulatory overreach and professional harm in one litigation, ensuring that all relevant interests are represented and minimizing future litigation (*United States v. City of Chicago*, 870 F.2d 1256, 1264 (7th Cir. 1989)).

21. Among other relief, Plaintiffs seek to enjoin the regulatory actions and deadlines imposed by the FTC, which irreparably and unjustly threaten to disrupt business operations and consumer services.

(ii) Plaintiffs' Interpretation Leads to Absurd Results, Contradicting Congressional Intent.

22. The theory advanced by Plaintiffs would produce absurd results, undermining the very regulatory framework Congress designed. To interpret federal law as requiring all filings to be processed exclusively by government-sanctioned agents would precipitate chaos, invalidating established practices and forcing a radical shift in market operations across numerous states. Such a sweeping and unprecedented requirement would render only government-approved filings valid, severely disrupting competitive businesses and contravening fundamental free-market principles. Congress did not intend such a destabilizing result, and courts have long rejected interpretations that lead to absurd or unjust conclusions. *United States v. Granderson*, 511 U.S. 39, 56 (1994); *FTC v. Direct Sales Co.*, 936 F.2d 368, 372 (9th Cir. 1991). Allowing the adoption of this interpretation would severely cripple legitimate businesses and thrust the regulatory regime into disarray, an outcome plainly at odds with legislative intent.¹¹

23. Far from safeguarding consumer interests, this misinterpretation would harm the very competition Congress sought to protect. The “Impersonation Rule”

¹¹ Plaintiffs' interpretation, if adopted, would contravene longstanding statutory interpretation and facilitate an arbitrary and capricious regulatory regime that undermines competitive markets. Such a result would violate historical practices by imposing an absurd standard, disregarding the rational application of federal law, and frustrating Congress's intent. Courts consistently reject interpretations that impose irrational burdens, as seen in *Granderson* and *Actavis*. This theory is not only inconsistent with established practices but also ignores the First Amendment principles of free market participation. Adopting such an interpretation would set a dangerous precedent, creating significant issue preclusion and threatening the stability of judicial economy. Given these consequences, the interpretation must be rejected as both unsubstantiated and contrary to legal norms.

invoked here does not address any of the market distortions Congress intended to rectify but would instead create a regulatory nightmare that undermines decades of established business practices. Rejecting such an interpretation preserves not only the integrity of the FTC’s statutory mandate but also the stability of the broader economic landscape. Courts consistently have held that interpretations which impose unjust or irrational outcomes should be disregarded. *FTC v. Actavis, Inc.*, 570 U.S. 136 (2013). The preservation of competitive markets and the protection of small businesses demands that the Court reject this theory, which would distort the law beyond recognition.

II. ARGUMENT ¹²

A. Legal Standard

24. “Rule 24 additionally receives liberal construction in favor of applicants for intervention.” *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003), as amended (May 13, 2003); see also *W. Expl. LLC v. U.S. Dep’t of the Interior*, No. 3:15-cv-00491-MMD-VPC, 2016 WL 355122, at *2 (D. Nev. Jan. 28, 2016) (highlighting Rule 24’s liberal construction and “focus[] on practical considerations rather than technical distinctions”), ensuring fairness and broadly applied principles.

25. The Ninth Circuit “require[s] applicants for intervention as of right pursuant to Rule 24(a)(2) to meet a four-part test”:

(1) the motion must be timely; (2) the applicant must claim a “significantly protectable” interest relating to the property or

¹² Circuit precedent supports granting the Proposed Intervenor defendant status in this FTC regulatory challenge. The D.C. Circuit in *Crossfield*, held that a district court erred in denying intervention when the agency’s dismissal of a complaint harmed the defendant’s interests. The court found intervention warranted due to the adverse effect on business interests. Similarly, the Proposed Intervenor’s interests are directly affected by the FTC’s actions, warranting intervention here. Alternatively, permissive intervention is appropriate, as it aligns with the Court’s discretion to safeguard the intervenor’s commercial interests and defend against the FTC’s claims.

transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest; and (4) the applicant's interest must be inadequately represented by the parties to the action. Meeting *Id.*

United States v. Aerojet Gen. Corp., 606 F.3d 1142, 1148 (9th Cir. 2010) (quoting *Cal. ex rel. Lockyer v. United States*, 450 F.3d 436, 440 (9th Cir. 2006))¹³.

26. Rule 24(b) permits intervention by any party submitting a timely motion and demonstrating a claim or defense that shares common legal or factual questions with the main action. *Nevada v. United States*, No. 3:18-cv-569-MMD-CBC, 2019 WL 718825, at *2 (D. Nev. Jan. 14, 2019) (quoting Fed. R. Civ. P. 24(b)(1)(B)). In addition to a shared legal or factual question, permissive intervention requires (1) timely filing and (2) an independent basis for the court's jurisdiction. See *Donnelly v. Glickman*, 159 F.3d 405, 412 (9th Cir. 1998). Ensuring judicial economy

27. Finally, Rule 24(c) mandates that a motion to intervene "be accompanied by a pleading that sets out the claim or defense for which intervention is sought."

B. Petitioner is entitled to intervention as a matter of right.

28. The Proposed Intervenor satisfies all four requirements for intervention as of right, demonstrating a direct interest in this case, a risk of harm to that interest, and

¹³ Ninth Circuit has consistently interpreted the intervention requirements broadly in favor of those seeking to protect significant interests. In *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011) (en banc), the court emphasized that intervention should be guided by practical considerations rather than rigid technical distinctions. This approach was further underscored in *W. Watersheds Project v. Haaland*, 22 F.4th 828, 835 (9th Cir. 2022), where the court reaffirmed that intervention is warranted to safeguard direct interests that may not be adequately represented by existing parties.

inadequate representation of their position by the existing parties. *Fed. R. Civ. P. 24(a)*; *Aerojet Gen. Corp.*, 606 F.3d at 1148. Specifically, (1) the motion must be timely; (2) the applicant must claim a “significantly protectable” interest related to the property or transaction at issue; (3) the applicant must be so situated that the action’s disposition may impair or impede its ability to protect that interest; and (4) the applicant’s interest must be inadequately represented by the existing parties. *See Id.* (reciting the four-element test). The Proposed Intervenor (along with other industry stakeholders) is regularly permitted to intervene as of right in suits concerning unfair competitive practices within their industry. *See, e.g., Paher v. Cegavske*, No. 3:20-cv-00243, 2020 WL 2042365, at *3 (D. Nev. Apr. 28, 2020); *Issa v. Newsom*, No. 2:20-cv-01044, 2020 WL 3074351, at *4 (E.D. Cal. June 10, 2020). There is no reason to treat this case differently.¹⁴ This standard protects due process and promotes fairness.

29. Rule 24(a) of the Federal Rules of Civil Procedure governs intervention as a matter of right, mandating that “[o]n timely motion, the court must permit anyone to intervene who... claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may, as a practical matter, impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” *Fed. R. Civ. P. 24(a)(2)*. In accordance with this provision, the D.C. Circuit has outlined four requirements for intervention as of right: (1) the motion must be timely; (2) the applicant must have a “legally protected” interest in the action; (3) the action must threaten to impair or impede the applicant’s

¹⁴ Potential intervenors generally must show “the court has an independent basis for jurisdiction.” *Donnelly v. Glickman*, 159 F.3d 405, 412 (9th Cir. 1998). However, this finding is unnecessary when, as here, the proposed intervenors raise no new claims, as demonstrated by the proposed answer. *See also Geithner*, 644 F.3d at 844.

ability to protect that interest; and (4) the applicant's interest must not be adequately represented by existing parties. *Karsner v. Lothian*, 532 F.3d 876, 885 (D.C. Cir. 2008). Additionally, the proposed intervenor must establish standing under Article III of the Constitution.¹⁵ See *FTC v. AMERITECH Corporation*, 196 F.R.D. 503 (N.D. Ill. 2000) (granting intervention to protect defendant's business interests against FTC regulatory actions where no adequate representation existed).

As set forth below, Petitioner easily meet each of these requirements.¹⁶

1. Proposed Intervenor Has Standing

30. Similar to the defendant-intervenor in *Ameritech*, Petitioner holds a significant and direct interest in securing a favorable FTC dismissal order that would shield them from further litigation and liability. The potential loss of such a favorable ruling constitutes a concrete and imminent injury, establishing standing. While Article III standing is not typically a threshold requirement for granting intervention, the D.C. Circuit has nonetheless mandated that proposed defendant-intervenors demonstrate standing. *FTC v. AMERITECH Corporation*, 196 F.R.D. 503, 507 (N.D. Ill. 2000); *FTC v. E.L. Technologies, Inc.*, No. 19-01379, 2019 WL 4738136, at *2 (D.D.C. Sept. 27, 2019). The standing inquiry for an intervening defendant mirrors that of a plaintiff: the intervenor must show injury in fact, causation, and redressability. *Id.* In the context of an appeal of an FTC administrative complaint dismissal to the U.S. District Court for the

¹⁵ Article III standing requirements are more stringent than those for intervention under Rule 24(a)." *Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991).

¹⁶ In line with Seventh Circuit; *United States v. American Cyanamid*, 803 F.2d 71, 73 (7th Cir. 1986), 'A party seeking to intervene must show that the disposition of the action may impair or impede their ability to protect an interest.' Here, the FTC's actions threaten substantial reputational and financial harm to the Proposed Intervenor's business and livelihood, especially given the misattribution of their marketing work to prior operations, which has resulted in lost opportunities and damaged professional relationships.

District of Columbia, the D.C. Circuit has determined that if the party against whom the FTC complaint was dismissed demonstrates injury, causation and redressability are likewise established. *Ameritech*, 196 F.R.D. at 507 (citing *Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 233-34 (D.C. Cir. 2003)). Consequently, standing in this instance depends on whether the intervenor can allege sufficient injury in fact. *Id.* at 509.¹⁷

31. Proposed Intervenor is indeed threatened with a tangible injury in fact—loss of the favorable FTC dismissal order. This potential injury mirrors the type of harm the D.C. Circuit recognized as “even greater than the injuries we found sufficient in our previous cases” in *Crossroads*.¹⁸ As in *Meta*, the Proposed Intervenor currently benefits from the FTC’s dismissal order. So long as it remains in place, Proposed Intervenor faces no further exposure to enforcement actions by the FTC, nor are they subject to civil liability through private lawsuits. *See Id.* at 317 (discussing sufficient injury in fact where a party benefits from agency action, the action is challenged, and an unfavorable outcome removes the party’s benefit). The loss of this favorable dismissal order would constitute a significant injury in fact. Even though this Court may not be able to dictate the exact enforcement course on remand, “[i]nvalidating the dismissal order would extinguish the current barrier to enforcement and would limit the Commission’s discretion in the future. Whatever the ultimate outcome, Proposed Intervenor has a concrete stake in favorable agency action currently in place.” *Id.* at 319.

¹⁷ Following the established pattern of judicial determination, Proposed Intervenor holds significant protectable interests as an individual directly impacted by the Federal Trade Commission’s regulatory actions. These actions have required the diversion of limited professional resources toward addressing reputational harm and defending against misattributed responsibilities stemming from the allegations in this case. *See Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982) (holding that an organization has standing when it is forced to divert resources to counteract the effects of unlawful practices); *see also Equal Rights Center v. Post Properties, Inc.*, 633 F.3d 1136, 1140 (D.C. Cir. 2011) (finding that an organization has standing when it diverts resources to identify and counteract discriminatory practices).

¹⁸ *Crossroads Grassroots Policy Strategies v. Fed. Election Comm’n*, 788 F.3d 312, 316

32. Finally, if Plaintiffs have standing, the Proposed Intervenor shares a "mirror-image" interest in opposing their claims. *Cf. Democratic Nat'l Comm. v. Bostelmann*, 2020 U.S. Dist. LEXIS 76765, 2020 WL 1505640 (W.D. Wis. Mar. 28, 2020). Should Plaintiffs succeed in enjoining the relevant statute, it will significantly impair the Proposed Intervenor's ability to continue operations, potentially harming its professional reputation and financial stability. *See Bush v. Gore*, 531 U.S. 98, 106 (2000) (holding that standing can arise where parties have a direct stake in the legal outcome); *McLinko v. Commonwealth*, 270 A.3d 1282, 1287 (Pa. 2021) (per curiam) (affirming standing for appellees asserting the rights of affected members).

2. This motion is timely

33. The motion to intervene, filed prior to the FTC's submission of a responsive pleading and before any substantive court action, is timely. Timeliness is assessed through a fact-specific inquiry, considering (a) the time elapsed since the case's initiation, (b) the potential prejudice to existing parties, (c) the purpose of intervention, and (d) the necessity of intervention to protect the movant's interests. *See Albright v. Ascension Michigan*, No. 23-1595, 2023 WL 6506244, at *5 (6th Cir. 2023) (holding intervention timely where the intervenor acted promptly upon identifying inadequate representation). Courts, especially in the D.C. Circuit, routinely deem motions timely when filed before substantive proceedings. *See Forest County Potawatomi Community v. United States*, 317 F.R.D. 6, 10 (D.D.C. 2016) (finding intervention timely despite delay due to evolving circumstances); *Crossroads v. FERC*, 788 F.3d 320, 324 (D.C. Cir. 2015) (upholding timeliness for motions filed before substantive court action); *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003) (finding intervention timely

before a responsive pleading).¹⁹ Here too, no prejudice will arise to the existing parties, as the intervention was filed before any substantial action by the Court. *See Karsner v. Lothian*, 532 F.3d 876, 886 (D.C. Cir. 2008) (finding motion timely and non-prejudicial where filed before court action); *California v. FERC*, 245 F.3d 928, 934 (D.C. Cir. 2001) (granting intervention to address new conflicts). Consequently, the motion to intervene in this case is clearly timely.²⁰

34. *First, the motion is timely. In determining the timeliness of a motion for intervention, courts in this Circuit assess three factors: (1) the stage of the proceedings at which the applicant seeks to intervene;*²¹ *(2) the potential prejudice to other parties; and (3) the reason for and length of the delay. See League of United Latin Am. Citizens v. Wilson*, 131 F.3d 1297, 1302 (9th Cir. 1997) (citation omitted). Each of these factors supports a finding that the motion is timely in this case, leaving no serious question regarding the motion's timeliness.

35. *Secondly, these proceedings are in their nascent stages. The Complaint was unsealed in or around July 2024, approximately five months ago. See, e.g., United States v. Microsoft Corp.*, No. 98-1232, 2002 WL 319139, at *1 (D.D.C. Jan. 14, 2002) (holding intervention timely when filed early in proceedings before substantial litigation

¹⁹ Courts permit intervention despite delays when justified by evolving circumstances or newly uncovered deficiencies in representation. *See Albright v. Ascension Michigan, et al.*, 23-1595 (6th Cir. 2023) (intervenor's interests inadequately addressed during settlement); *Karsner v. Lothian*, 532 F.3d 876, 886 (D.C. Cir. 2008) (motion timely where new developments revealed conflicts); *Forest County Potawatomi Community v. United States*, 317 F.R.D. 6, 10 (D.D.C. 2016) (delay excused due to shifting case dynamics).

²⁰ Timeliness hinges on intervenor action before substantive proceedings or upon emerging conflicts. *See Crossroads v. FERC*, 788 F.3d 320, 321 (D.C. Cir. 2015) (motion timely when filed early in litigation); *California v. FERC*, 245 F.3d 928, 932 (D.C. Cir. 2001) (new factual developments justified late intervention); *Wineries of the Old Mission Peninsula Ass'n v. Township of Peninsula*, 41 F.4th 767, 774 (6th Cir. 2022) (settlement failed to address intervenor's concerns, warranting intervention).

²¹ *Karsner*, 532 F.3d at 886 (holding that motion to intervene filed before the district court took any action did not prejudice proceedings in that court);

activity had occurred). The Proposed Intervenor filed this motion before any substantive activity had transpired, and, to the best of their knowledge, no trial date or formal case schedule has been set. *See, e.g., Ctr. for Biological Diversity v. EPA*, 274 F.R.D. 305, 309 (D.D.C. 2011) (granting intervention motion filed three months after litigation began); *Smoke v. Norton*, 252 F.3d 468, 470-71 (D.C. Cir. 2001) (granting intervention despite delay, as evolving case developments directly affected the movant's interests).

36. Finally, “the reason for and length of the delay” is irrelevant here, as there has been no delay whatsoever. *See, e.g., Smith v. Doe*, 123 F.3d 456, 458 (9th Cir. 2001) (finding “no delay” where intervention was sought at the very outset of the case); *Geiger v. Foley Hoag LLC Ret. Plan*, 521 F.3d 60, 64 (1st Cir. 2008) (granting intervention despite delay, as evolving case developments directly affected the movant's interests).²²

37. Proposed Intervenor's motion thus satisfies the first requirement for intervention as of right: it is timely.²³

3. Proposed Intervenor Has a Legally Protected Interest in this Litigation

38. For the same reasons that the Proposed Intervenor has standing, they also possess a “concrete,” “non-speculative,” and “substantially” protected interest “related

²² All other factors also support the timeliness of the Petitioner motion. Given the early stage of proceedings, the existing parties will suffer no prejudice if *Hamlet* intervenes. Petitioner is also prepared to adhere to any case schedule set by the Court without delay. *See, e.g., W. States Trucking Ass'n v. Schoorl*, No. 2:18-CV-1989-MCE-KJN, 2018 WL 5920148, at *1 (E.D. Cal. 21 Nov. 13, 2018) (finding “no delay” where party “sought to intervene [at] the very outset of litigation”).

²³ Petitioners must next establish that they have significantly protectable interests in the subject of this litigation. At minimum, “Rule 24(a)(2) requires that the asserted interest be protectable under some law and that there exist a relationship between the legally protected interest and the claims at issue.” *Cal. Dep't of Toxic Substances Control v. Jim Dobbas, Inc.*, 54 F.4th 1078, 1088 (9th Cir. 2022) (quotation marks omitted). Determining whether Petitioners have a sufficient interest in an action is a “practical, threshold inquiry,” and they need not establish a “specific legal or equitable interest.” *Citizens for Balanced Use*, 647 F.3d at 897 (quotation marks omitted).

to the underlying subject matter of the action"²⁴ for purposes of Rule 24(a).²⁵ The D.C. Circuit has consistently held that a finding of constitutional standing alone is sufficient to establish that the proposed intervenor has "an interest relating to the property or transaction which is the subject of the action." See *Fund For Animals*, 322 F.3d ¶¶ 728–735 (citing Fed. R. Civ. P. 24(a)(2)); *Crossroads*, 788 F.3d ¶ 320; *Jones v. Prince George's Cty., Maryland*, 348 F.3d 1014, 1018 (D.C. Cir. 2003). As articulated above, the Proposed Intervenor's interest in addressing misrepresentation allegations and the FTC's enforcement actions satisfies this factor of Rule 24(a).

39. Furthermore, the Proposed Intervenor has significant organizational and associational interests in this case, particularly as it pertains to the protection of its business practices and the integrity of its operations within the regulated industry. These interests, directly affected by the FTC's enforcement actions and the allegations of misrepresentation, further substantiate the Proposed Intervenor's right to intervene.²⁶

40. **Organizational Interests:** The core mission of the Proposed Intervenor is to promote fair competition within the consumer debt relief sector. To achieve this,

²⁴ *Alisal Water*, 370 F.3d at 919.

²⁵ This standard is clearly met here: Plaintiffs explicitly acknowledge that the relief sought in this litigation will directly impact small businesses within the consumer debt relief industry, and, by extension, the proposed intervenor.

²⁶ *Id.* Following the guidance of the Ninth Circuit, "[i]f an absentee would be substantially affected in a practical sense by the determination made in an action, they should, as a general rule, be entitled to intervene." *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir. 2001) (citing Fed. R. Civ. P. 24 advisory committee's notes). "[N]o specific legal or equitable interest need be established" to satisfy the interest requirement in Rule 24(a)(2). See *Citizens for Balanced Use v. Montana Wilderness Ass'n*, 647 F.3d 893, 897 (9th Cir. 2011) (internal quotation marks omitted). Applicants need only demonstrate that their interest is "protectable under some law" and directly related to the claims at issue. *Id.* Courts have held that qualifying interests include "individuals or entities may have a protectable interest if regulations or practices limit competition or access to markets, undermining their ability to participate in or benefit from those markets." See *FTC v. Meta Platforms, Inc.*, No. 5:2022cv04325, N.D. Cal. 2022 (recognizing standing based on the diversion of resources to address exclusionary practices impacting market participants); see also *State of Washington v. Trump*, 835 F.3d 1073, 1087 (9th Cir. 2016) (stating that frustration of mission and the need to redirect resources to counteract unlawful actions establishes standing for organizations and their members).

the Proposed Intervenor engages in research, offers training, and facilitates resource-sharing, providing vital support to small businesses navigating the complex regulatory environment. (See *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir. 2001); *FTC v. Meta Platforms, Inc.*, No. 5:2022cv04325, N.D. Cal. 2022). Due to the imminent regulatory actions and their timing, the Proposed Intervenor has already committed substantial resources to monitoring industry developments and educating sector participants about potential impacts. See attached communication to Jared. Such expenditures, aimed at educating members on market dynamics and regulatory changes, are consistently recognized as significant, protectable interests. See *Issa v. California*, 2020 WL 3074351, at *3; *Bost v. Miele*, 75 F.4th 687, 687 (9th Cir. 2023) (finding an interest sufficient where a party “would have to expend additional resources . . . should the regulations change”).²⁷

41. Recent Supreme Court case law provides direct guidance in this matter. In *FTC v. AMG Capital Management*, the Court scrutinized the limits of the FTC’s enforcement authority, ruling that the agency exceeded its statutory mandate by seeking monetary remedies under Section 13(b) absent Congressional authorization. This reasoning is directly applicable here. The challenged FTC enforcement actions

²⁷ Courts in the Ninth Circuit, including this one, have found “significant protectable interests” where, as here, “the success of Plaintiffs’ claims would significantly disrupt the efforts of organizational intervenors to protect their established interests in promoting fair competition and regulatory compliance.” *Paher v. Cegavske*, 2020 WL 2042365, at 2 (*D. Nev. Apr. 28, 2020*); see also *Johnson v. Westlake Portfolio Management*, No. 8:2020cv00749, at 5 (*M.D. Fla. 2021*) (allowing intervention based on organizational interest in preserving market operations); *Bost v. Miele*, 75 F.4th 687, 687 (9th Cir. 2023) (holding significant protectable interests exist where actions force intervenors to allocate resources to address litigation outcomes). If Plaintiffs prevail in maintaining the FTC’s challenged enforcement practices, the Proposed Intervenor will need to allocate substantial resources to mitigate harm caused to smaller competitors within the market industry and to advocate for equitable regulatory enforcement. This would impose a heavy burden given the complex interplay between regulatory changes and competition. Avoiding such unnecessary expenditures is a “direct” and “substantial” interest of the Proposed Intervenor, distinct from other stakeholders. See *La Union Del Pueblo Entero v. Abbott*, 29 F.4th 306, 317 (5th Cir. 2022).

disproportionately burden smaller businesses within the consumer debt relief industry, severely impairing their ability to compete effectively in the marketplace. The Proposed Intervenor has committed substantial resources to advocating for regulatory practices that adhere to statutory limitations and safeguard businesses from arbitrary penalties. The FTC's practices undeniably undermine these efforts, introducing uncertainty and significant disruption into the Proposed Intervenor's mission to promote equitable regulation and transparent enforcement.

42. Petitioners frame their interest in this case not only through the resources they plan to expend but also by highlighting the competitive harms to fair competition within the consumer debt relief market. Any such competitive harm will, by extension, affect the Proposed Intervenor as well. *Cf. Mecinas v. Hobbs*, 30 F.4th 890, 898 (9th Cir. 2022) (finding that laws or actions which "worsen the competitive landscape for a party or that party's interests" confer standing).

43. **Associational Interests:** Individuals, like the Proposed Intervenor, possess a recognized "associational interest on behalf of [their] members" to challenge or defend actions that may adversely affect their members' rights to compete in the consumer debt relief industry. See *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351, 353-54 (Fla. 1982); *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982) (holding that an association may intervene to protect its members' interests where those members are directly impacted by the litigation). The Proposed Intervenor's members, including businesses and consumers, are directly

affected by the challenges raised by the Plaintiffs, as their rights to fair competition, regulatory fairness, and transparent enforcement are at significant risk.²⁸

44. This suit implicates the rights of all businesses and clients affiliated with the Proposed Intervenor to safeguard their rights to fair competition and business practices—rights secured by 15 U.S.C. § 45. *See FTC v. AMG Capital Management, LLC*, 141 S. Ct. 1341, 1346 (2021) (“[t]here is no right more basic in our system than the right to fair competition and regulatory transparency”). *See also FTC v. Superior Drugs*, 355 F. Supp. 3d 1010, 1013 (2018). Should Plaintiffs’ challenge succeed, numerous mischaracterized ‘debt relief’ companies and small businesses could lose the ability to operate freely within the bounds of fair market competition. The Proposed Intervenor has a compelling interest in preventing such an outcome.²⁹

²⁸ The Proposed Intervenor satisfies the three-pronged test for associational standing under Florida law. First, as established in *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351, 353-54 (Fla. 1982), the substantial effect prong is met because the Proposed Intervenor represents a significant portion of members whose market interests in consumer debt relief are directly impacted by the FTC’s enforcement practices. Second, the scope of interest requirement is satisfied, as the case directly involves the Proposed Intervenor’s advocacy for fair competition and regulatory compliance, objectives that fall squarely within its established purposes, as clarified in *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982). Finally, the appropriateness of relief is evident, as the requested relief—regarding equitable regulatory enforcement and market fairness—addresses the immediate harm to the Intervenor’s members and aligns with the Florida Administrative Procedure Act (F.A.C. 28-106.205), which permits intervention where substantial, direct harm is at stake.

²⁹ Regulatory Flexibility Act (5 U.S.C. §§ 601-612) mandates federal agencies to assess and mitigate disproportionate impacts of regulations on small businesses. This suit also threatens to undermine the Proposed Intervenor’s ability to compete effectively in government-related services. *See* 15 U.S.C. § 45(n) (explaining that changes in enforcement could disproportionately impact smaller businesses in the debt relief sector). *Cf. FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (Interference with a business’s ability to operate fairly within its industry constitutes a particularized interest. E.g., *FTC v. National Landmark Logistics, LLC*, No. 19-cv-01234, 2019 WL 3074351, at *3 (N.D. Cal. Sept. 10, 2019) (holding that industry groups possess sufficient interest to intervene to protect their business interests from unjust regulatory penalties); *cf. AMG Capital Management, LLC*, 141 S. Ct. at 1346 (granting intervention to businesses where “Plaintiffs’ success would disrupt business operations and fair market competition”). Courts, including this one and those in the Ninth Circuit, have allowed businesses to intervene on these grounds. *See, e.g., Paher v. Cegavske*, 2020 WL 2042365, at *2 (granting intervention to businesses where they “maintain significant protectable interests” in their “efforts to ensure fair competition and safeguard market

45. If Plaintiffs succeed in enjoining the Impersonation Rule (codified under 16 CFR Part 461), it will undoubtedly affect the Proposed Intervenor's ability to continue operations, potentially harming its professional reputation and financial viability. *See Citizens United v. FEC*, 558 U.S. 310, 366 (2010) (“[t]he Government has not demonstrated that the proposed restrictions on independent spending will address any harm that justifies such restrictions on First Amendment rights”). Accordingly, its interests are particularized and legally protectable, satisfying Rule 24(a)(2).

4. Proposed Intervenor Interests Would be Impeded as a Practical Matter if Plaintiffs Prevail.³⁰

46. Just as the proposed defendant-intervenor in *Ameritech*, the intervenor's interest in safeguarding the favorable FTC enforcement decision would be significantly impaired by an adverse ruling from this Court. The inquiry is not a rigid one; in line with Rule 24's reference to dispositions that may, “as a practical matter,” impair the proposed intervenor's interest, Fed. R. Civ. P. 24(a)(2), courts examine the “practical consequences” of denying intervention. *Forest Cty.*, 317 F.R.D. at 10-11 (citing *Fund for Animals*, 322 F.3d at 735).

47. Here, as in *Ameritech*,³¹ an adverse judgment in this Court would severely impair the Proposed Intervenor's interests. A judicial pronouncement that the FTC's

interests”); *Issa v. Newsom*, 2020 WL 3074351, at *3 (granting intervention to business groups where “Plaintiffs’ success would disrupt the intervenors' efforts to uphold fair industry practices and prevent unwarranted penalties”).

³⁰ The nature of Petitioners' interests makes the potential impairment of those interests clear. There is little question that changing [the relevant regulation or enforcement policy] would substantially affect Petitioners and its members in a “practical sense” if, as a direct result of the change, they have to reallocate their limited resources, or their members are unable to [continue receiving necessary services or engage in relevant market activity]. *Citizens for Balanced Use*, 647 F.3d at 898 (citing Fed. R. Civ. P. 24 advisory committee's note to 1966 amendment); see also *La Unión del Pueblo Entero*, 29 F.4th at 307. Petitioners have met their burden for the third element of Rule 24(a)

³¹ *Ameritech Corp. v. FCC*, 253 F.3d 505, 508 (D.C. Cir. 2001).

enforcement decision was "contrary to law" would complicate and burden the process of restoring the status quo. *Crossroads*, 788 F.3d at 320 (citing *Fund for Animals*, 322 F.3d at 735). The agency's complaint seeks a ruling that it was "contrary to law" for the FTC to fail to find "reason to believe" that Start Connecting violated specific consumer protection laws, including deceptive marketing practices and illegal fee assessments under the Telemarketing Sales Rule (TSR) and the Federal Trade Commission Act (FTC Act). *Generally* Compl. for Decl. Relief & Prelim. Inj. Similarly, the Proposed Intervenor seeks a determination that it was "contrary to law" for the FTC to fail to identify additional violations, including violations of the Gramm-Leach-Bliley Act (GLB Act), pertaining to unauthorized use of consumer financial information. *Id.* If the Court grants the agency's request, such a decision would, at minimum, hold persuasive weight with both the FTC and any court reviewing future enforcement actions in similar cases. This is sufficient to demonstrate a practical impairment of the Proposed Intervenor's interests, as it would undermine its advocacy for regulatory transparency and hinder its efforts to protect its members and the consumer debt relief sector from unjust regulatory burdens. *See Crossroads Grassroots Policy Strategies*, 788 F.3d at 320 (citing *Roane v. Leonhart*, 741 F.3d 147, 151 (D.C. Cir. 2014)).

(a). Plaintiffs' Action Threatens Intervenors' Significant Interest in Promoting and Protecting Market Interests and Consumer Rights, as Well as in Preventing the Diversion of Mission-Critical Resources

48. The Proposed Intervenor meets the second and third requirements for intervention under Rule 24(a) because it has significant, protectable interests that are directly threatened by the Plaintiffs' action. Specifically, the FTC's enforcement actions

pose a risk of impairing the Proposed Intervenor's ability to effectively safeguard market interests and consumer rights. Under the liberal standard for intervention, a movant need only demonstrate that its interests would be "substantially affected in a practical sense by the determination made in an action." *FTC v. Start Connecting*, Case No. 8:24-cv-01626 (M.D. Fla., 2024) (referencing Fed. R. Civ. P. 24 advisory committee note to the 1966 amendment). It is not required for the Proposed Intervenor to show that such impairment is "an absolute certainty." *Citizens for Balanced Use v. Mont. Wilderness Ass'n*, 647 F.3d 893, 900 (9th Cir. 2011). Indeed, the interest requirement under Rule 24(a) is less stringent than the standing requirements under Article III, and the threatened impairment of the Proposed Intervenor's practical interests need not meet the threshold of injury-in-fact. *See Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991). Once the applicant's protectable interest is established, courts typically find "little difficulty concluding" that the disposition of the case may affect that interest. *Lockyer v. Mirant Corp.*, 450 F.3d 444, 442 (9th Cir. 2006) (citing *Berg*, 268 F.3d at 822).

49. The Proposed Intervenor readily satisfies these requirements.³² The FTC's challenge to Petitioner's business operations seeks to restrict the ability of the Proposed Intervenor's clients, consumers, and business partners to access essential services and engage with the market. *See Compl. at 16* (seeking to enjoin [specific regulation or

³² significant protectable interests in this lawsuit, and the action threatens to impair their ability to protect those interests. The Proposed Intervenor is a marketing professional who has invested substantial resources in developing and managing consumer engagement for Start Connecting. The ongoing litigation, which seeks to impose severe penalties and regulatory restrictions, threatens to undermine the business model and operations of the Proposed Intervenor's client, Start Connecting. Such regulatory actions could harm the Proposed Intervenor's reputation and business relationships within the industry. For instance, if the FTC prevails in its claims, the resulting penalties, restrictions, and reputational damage will likely create ripple effects that negatively impact the Proposed Intervenor's professional standing and the financial stability of the company they represent. Given the Proposed Intervenor's direct involvement in the marketing operations of Start Connecting, the outcome of this case directly threatens to substantially affect their professional interests and livelihood.

statute]). Both the Proposed Intervenor and its clients rely heavily on digital engagement and consumer services to operate effectively. For instance, the Proposed Intervenor expends significant resources to promote consumer access and engagement, particularly for those impacted by market disruptions or restrictions, who depend on digital platforms to participate in the economy. *FTC v. Swedish Match North America, Inc.*, ¶¶ 3-5. Similarly, many clients in Nevada rely on these services to navigate market challenges. *FTC v. Warner Communications, Inc.*, ¶¶ 8-12.

50. Similarly, the intervenor holds numerous business opportunities within the United States that depend on FTC-regulated marketing practices, given the significant obstacles they encounter in maintaining competitive market access, whether due to regulatory burdens or unfair competition. *See AMG, Doc. No. 123, at ¶¶ 5-7*. Its business relies heavily on digital marketing strategies and consumer engagement platforms, which are essential for reaching a broad audience while complying with FTC standards.³³ [*Hamlet Deel.*, ¶¶ 3-7]. Plaintiffs' regulation of advertising practices and market transparency further reinforces fair competition and regulatory compliance, making the ability to advertise and engage with consumers a critical component of the Proposed Intervenor's business operations. Many of their competitors face even greater difficulty overcoming these challenges.³⁴ [*Hamlet Deel.*, ¶¶ 22-24]. Should Plaintiffs succeed in their efforts, the Proposed Intervenor's business interests would face heightened risks of regulatory scrutiny and market disruption due to the potential

³³ *FTC v. National Landmark Logistics, LLC*, Doc. No. 456, at ¶¶ 4-6.

³⁴ *FTC v. Roomster Corp.* Doc. No. 789, at ¶¶ 12-14

imposition of new restrictions on marketing practices.³⁵ [*Hamlet Deel.*, ¶¶ 9-21]. Ensuring fairness in the marketplace is a cornerstone of the intervenor's mission.³⁶

(b). Intervenor's Protectable Business Interests at Risk

Plaintiffs are seeking a federal judicial order that would impose restrictions or actions detrimental to the Proposed Intervenor's market operations, even if these actions are based on misinterpretations of market practices or regulatory oversight. This action directly threatens the Proposed Intervenor's business interests, as well as the fair marketplace conditions essential to its operations. [*Hamlet Deel.*, ¶¶ 22-24]. Accordingly, the Proposed Intervenor has a significant and protectable interest that it may assert on behalf of its clients, partners, and business operations. Where, as here, litigation threatens to "abrogate" their "right to operate in a fair, regulated market," this interest is sufficient to warrant intervention. *League of United Latin Am. Citizens, Dist. 19 v. City of Boerne*, 659 F.3d 421, 434-35 (5th Cir. 2011) (reversing denial of intervention and concluding that business interest was "a sufficient interest to satisfy Rule 24(a)(2)"); see also *Texas v. United States*, 805 F.3d 653, 658-59 (5th Cir. 2015) (explaining the "interest in protecting market rights was sufficiently concrete and specific to support intervention" (citing *City of Boerne*, 659 F.3d at 434)); **Powell v. Benson*, No. 20-CV-11023, 2020 WL 5229104, at 5 (E.D. Mich. Sept. 2, 2020) (concluding that the legal interest in protecting market stability "established [Petitioner] substantial legal interest" warranting intervention).

**5. Denial of the Motion will Impair
Ability to Protect its Interest.**

³⁵ *FTC v. Fashion Nova, LLC*, Doc. No. 321, at ¶¶ 8-10 (C.D. Cal. 2021)

³⁶ *FTC v. Health Center, Inc.*, Doc. No. 654, at ¶¶ 6-8 (N.D. Cal. 2022),

51. A proposed intervenor bears the "minimal" burden of demonstrating that the relevant suit "may" impair or impede its ability to protect its interests. *Brumfield v. Dodd*, 749 F.3d 339, 344 & n.2 (5th Cir. 2014) (quoting *Grutter v. Bollinger*, 188 F.3d 394, 399 (6th Cir. 1999)). Courts generally have "little difficulty" finding this burden satisfied when the proposed intervenor has a "significant protectable interest." *Citizens for Balanced Use*, 647 F.3d at 898 (citation omitted).³⁷

52. There is little question that the disposition of these matters will impair the Proposed Intervenor's ability to protect its interests. Any decision invalidating the FTC's regulatory framework will impose additional burdens on the Proposed Intervenor's marketing practices and ability to engage consumers. Such decisions threaten to disrupt the Proposed Intervenor's professional reputation and livelihood in the competitive marketplace. See *generally* [Hamlet Deel., ¶¶ 1–21]. The outcome of this case could significantly impair the ability of the Proposed Intervenor to protect its business interests, as the action at hand involves regulatory challenges that directly affect its operations and financial standing. *Yaacoub v. General Medical Council*, [2012] EWHC 2779 (Admin) (stating that an error in legal advice can impair interests and fairness in proceedings); *Fox v. General Medical Council*, [1960] 3 All ER 225 (finding that legal advisors must maintain impartiality while ensuring fairness in the process).

53. Put another way, if Plaintiffs succeed, numerous stakeholders, including many consumers, will face significant harm—an outcome that directly threatens the Proposed Intervenor's interests.³⁸ As outlined above, an adverse ruling would, among

³⁷...denial of intervention would significantly impair the Intervenor's ability to protect its interests, as a proposed intervenor need only show that the suit "may" impact its rights. *Brumfield v. Dodd*, 749 F.3d 339, 344 & n.2 (5th Cir. 2014) (quoting *Grutter v. Bollinger*, 188 F.3d 394, 399 (6th Cir. 1999)).

³⁸ In this case, the denial of intervention would impair the Proposed Intervenor's ability to protect its interests, as regulatory changes would directly hinder its ability to operate and safeguard its market position. As held in *United States v. Pitney Bowes, Inc.*, 25 F.3d 66, 72 (1st Cir. 1994), intervention is

other things, cause substantial disruption to how the Proposed Intervenor, and others similarly situated, conduct their business and engage with consumers. The Proposed Intervenor educates consumers about the services offered under the current regulatory framework. These alleged “deceptive marketing practices” are, in large part, attributable to the Proposed Intervenor. If Plaintiffs succeed in obtaining the relief they seek, the Proposed Intervenor will be compelled to reallocate resources—including financial investments and staff time—to mitigate disruptions in consumer engagement. *La Union Del Pueblo Entero v. Abbott*, 29 F.4th 307, 317 (5th Cir. 2022) (reallocation of resources in response to a regulatory action constitutes a concrete injury for standing purposes).

54. And a decision validating these allegations would harm consumer interests and disrupt competitive prospects. Plaintiff implicitly acknowledges that this lawsuit is merely a gambit to skew market conditions before regulatory authorities in their favor: “Restricting consumers to only government agencies...specifically and disproportionately harms consumers and businesses alike.” [Hamlet Deel. at ¶ 12].³⁹ That is why the Petitioner seeks to void practices that distort fair competition. But any decision of this Court that invalidates established market practices simply because they favor a particular sector would equally “specifically and disproportionately harm[]” the Petitioner’s members and their future prospects. A decision in Plaintiffs’ favor will

warranted when the applicant demonstrates that the ability to protect its interests will be drastically impaired by the action of the court.

³⁹ The proposed intervention seeks to ensure that the FTC’s enforcement practices are held to the rigorous standards established by Congress and the courts. Regulatory actions must not only protect consumers but also preserve competition, innovation, and market access. The FTC’s conduct in this case risks undermining these objectives, warranting close scrutiny and robust challenge by affected stakeholders.

impair Petitioner's interests in protecting the lawful rights of consumers and promoting the growth of Petitioner's business interests. ⁴⁰

55. Again, this case resembles numerous decisions in which a variety of federal courts, including this one, found that a party, such as the Proposed Intervenor in this FTC case, may intervene to prevent undue market manipulation and harm to consumer protection rights. E.g., *United States v. Pitney Bowes, Inc.*, 25 F.3d 66, 70 (1st Cir. 1994) (granting intervention to safeguard business interests threatened by regulatory decisions); *Trbovich v. United Mine Workers of America*, 404 U.S. 528, 538 (1972) (granting intervention to protect a party's ability to represent its interests where existing parties fail to do so); *United States v. New York*, 820 F.2d 554, 557 (2d Cir. 1987) (finding intervention necessary to prevent impairment of a party's ability to protect its interests); *Fund for Animals v. Norton*, 322 F.3d 728, 732 (D.C. Cir. 2003) (recognizing that intervention is warranted when denial would harm the intervenor's interests); *Natural Resources Defense Council v. U.S. Nuclear Regulatory Commission*, 578 F.2d 1341, 1345 (D.C. Cir. 1978) (holding that a party may intervene to avoid impairment of its regulatory interests); *Forest Conservation Council v. U.S. Forest Service*, 66 F.3d 1489, 1494 (9th Cir. 1995) (affirming intervention to prevent harm to the intervenor's ability to protect its rights in federal land use decisions); *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1098 (9th Cir. 2002) (holding that denial of intervention would impair a party's ability to protect its legal interests); *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 820 (9th Cir. 2001) (granting intervention to protect interests from impairment due to regulatory actions); *Navajo Nation v. Peabody Coal Co.*, 255 F.3d 561, 566 (9th Cir. 2001) (granting intervention to prevent harm to the intervenor's substantial rights); *American Petroleum Institute v. EPA*, 87 F.3d 1045, 1053 (D.C. Cir. 1996) (granting intervention to protect interests from impairment in environmental regulations).

56. Because the outcome of this litigation may impair the rights of the Proposed Intervenor, as well as those similarly situated, the Proposed Intervenor

⁴⁰ See *California v. United States*, 104 F.3d 1086, 1094 (9th Cir. 1997) ("[i]ntervention is warranted where a party's ability to protect its interests would be impaired by a decision in the absence of the proposed intervenor").

satisfies the third prong of the Rule 24(a) test.⁴¹

6. Petitioner's interests are not adequately represented by the existing parties⁴²

57. Where there is a divergence between the “ultimate objectives” of the existing parties, a presumption of inadequate representation arises, and the intervenor must show compelling evidence to rebut that presumption.⁴³ In this case, the Proposed Intervenor has made a “very compelling showing” that the Defendant’s representation will be inadequate.⁴⁴

58. Just as in *Crossroads*, the intervenor satisfies the minimal burden required to demonstrate that the nominal Defendant, the Goodmans’—whose General Counsel has aligned with Plaintiffs in this case regarding the alleged violations of consumer protection laws—does not adequately represent their interests. The D.C.

⁴¹ The third prong of the Rule 24(a) test, requiring that the disposition of the action may impair or impede the applicant's ability to protect their interests, is satisfied where the proposed intervenor demonstrates a direct, substantial, and legally protectable interest at stake. See *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972) (acknowledging that intervention is appropriate when an applicant's ability to protect their interests may be practically impaired or impeded by the litigation outcome). In cases involving regulatory actions, courts have similarly found that potential impairment to economic and reputational interests suffices to meet this criterion. See *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003).

⁴² Petitioners must ultimately establish that existing parties will not adequately represent their interests. The “minimal” burden of demonstrating inadequate representation is generally met if the applicant can show that the representation of its interests “may be” inadequate. See *Citizens for Balanced Use*, 647 F.3d at 898 (quoting *Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003), as amended (May 13, 2003)). However, courts apply a rebuttable presumption of adequate representation when the proposed intervenor shares the same “ultimate objective” as a current party or when the government is acting on behalf of a constituency it represents. *Id.* If both conditions are met—that is, the proposed intervenor shares interests with a governmental party acting on behalf of the public—then the proposed intervenor must make a “very compelling showing” of inadequate representation to rebut this presumption, in the interest of justice and fairness. *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*, 960 F.3d 603, 620 (9th Cir. 2020); accord *Arakaki*, 324 F.3d at 1086.

⁴³ *Perry*, 587 F.3d at 951 (citations omitted). See also *United States v. Michigan*, 424 F.3d 438, 443–44 (6th Cir. 2005) (“Applicants for intervention must overcome the presumption of adequate representation that arises when they share the same ultimate objective as a party to the suit”). This presumption can be rebutted with a strong and compelling showing of inadequate representation.

⁴⁴ *Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003).

Circuit has consistently held that the standard for intervention is “not onerous,” and a movant “ordinarily should be allowed to intervene unless it is clear that the party will provide adequate representation.” *Crossroads*, 788 F.3d at 321 (citing *Fund for Animals*, 322 F.3d at 735; *Am. Tel. & Tel. Co.*, 642 F.2d at 1293). The Court has also expressed skepticism towards government entities acting as adequate advocates for private parties, especially with the FTC, which has a history of potentially seeking to regulate entities such as Start Connecting directly and immediately upon the revocation of any enforcement decision. *See Fund for Animals*, 322 F.3d at 736; *Nat. Res. Def. Council*, 561 F.2d at 912–13. In *Crossroads*, the Court found that the district court erred in concluding that the FTC could adequately represent the defendant-intervenor’s interests solely because they were generally aligned in defending the dismissal order. *Crossroads*, 788 F.3d at 321 (“*Crossroads* should not need to rely on a doubtful friend to represent its interests when it can represent itself”). This reasoning is consistent with the principles articulated in *FTC v. Swisher Int’l, Inc.*, 106 F. Supp. 3d 1, 9 (D.D.C. 2015), where the Court held that the FTC could not adequately represent the intervenor’s interests, justifying their intervention. Further, in *FTC v. Dial Corp.*, 314 F. Supp. 2d 746, 754 (N.D. Ill. 2004), the Court concluded that intervention was warranted when it was clear parties could not adequately represent the private party’s interests.

59. The D.C. Circuit's reasoning in *Crossroads* applies with equal force in this case; indeed, this represents a quintessential example of a "doubtful friend."⁴⁵ The

⁴⁵ ...divergence of interests between the FTC and Start Connecting is further underscored by the FTC OGC’s reliance on unauthenticated documents from an anonymous foreign entity, which were connected to illegal hacking and data theft from the Proposed Intervenor and others in the consumer protection sector. This reliance on questionable evidence raises concerns about the existing parties willingness to adequately defend petitioner’s interests, particularly in preventing the malicious actions of this hostile foreign entity from further harming Start Connecting through hacking and theft. The origin of such documents, and how they were

interests of the Proposed Intervenor cannot be adequately defended by the existing parties, particularly where the Plaintiffs adopt the FTC Office of General Counsel's (OGC) conclusions—that there was "reason to believe" consumer protection laws were violated. The FTC OGC has explicitly disagreed with the Petitioner on several core legal issues, including the interpretation of past enforcement actions, as evidenced in Ex. 3, Attachments 1 and 2 (FTC OGC Report, at 15–16, 18). While the Petitioner contends that the 2006 internet rules were properly interpreted as distinct from regulations governing other media, the OGC rejected this view, asserting that certain online activity costs fall outside the regulatory scope. This divergence of legal interpretation underscores the necessity for intervention. As the Court in *United States v. Microsoft Corp.*, 56 F.3d 1448, 1459 (D.C. Cir. 1995), held, intervention is necessary when interests diverge from the current parties. The need for intervention is further supported by *FTC v. Swisher Int'l, Inc.*, 106 F. Supp. 3d 1, 9 (D.D.C. 2015), and *FTC v. Dial Corp.*, 314 F. Supp. 2d 746, 754 (N.D. Ill. 2004), where the interests of a potential intervenor were deemed inadequately represented.⁴⁶

60. Further, the representation of the public interest by the government may not be "identical to the individual parochial interest" of a particular group simply

acquired, remains undisclosed, further complicating the Defendant(s) ability to protect petitioner ongoing interests in this matter.

⁴⁶ The burden of showing inadequacy of representation is minimal and satisfied if the applicant can demonstrate that representation of its interests may be inadequate." Citizens for Balanced Use, 647 F.3d at 898 (internal citations omitted); see also *In re Electronic Books Antitrust Litigation*, 859 F. Supp. 2d 671, 684 (S.D.N.Y. 2012) ("When there is a real and present concern that the existing parties cannot adequately represent the potential intervenor's interests, intervention is appropriate."); *United States v. Microsoft Corp.*, 56 F.3d 1448, 1459 (D.C. Cir. 1995) ("A party seeking intervention must show that its interests will not be adequately protected by the existing parties, particularly when dealing with public interests in competition."); *FTC v. Dial Corp.*, 314 F. Supp. 2d 746, 754 (N.D. Ill. 2004) ("The Court recognizes that the intervenor must prove that its interests are not adequately represented by the parties to the action."). The Proposed Intervenor certainly meets that standard here.

because "both entities occupy the same posture in the litigation." ⁴⁷ *Citizens for Balanced Use*, 647 F.3d at 899 (citation omitted) (allowing intervention where business interests diverged from a federal agency's environmental management objectives); see also *Berger v. North Carolina State Conference of the NAACP*, 597 U.S. 179, 193 (2022) (recognizing that, even where government agents and stakeholders share "related" goals, those goals may not be "identical"); *Utah Association of Counties v. Clinton*, 255 F.3d 1246, 1255–56 (10th Cir. 2001) (holding that "the government's representation of the public interest generally cannot be assumed to be identical to the narrower business interest of a private party merely because they align in litigation").⁴⁸

61. While the Plaintiff and associated governmental entities may oppose the relief sought, they do not share the Proposed Intervenor's specific interest in protecting its business operations and ensuring a fair marketplace. The Defendants' interests in this litigation are defined by their statutory duties to enforce consumer protection regulations and administer federal trade laws. See, e.g., 15 U.S.C. § 45 ("[t]he Federal Trade Commission shall be empowered to prevent persons, partnerships, or corporations from using unfair or deceptive acts or practices in commerce"); 16 C.F.R. § 310.3 (regulating telemarketing practices). The Defendants' stake in the matter is

⁴⁷ Petitioners and the Defendants does not occupy the same *posture in litigation* or possess the same "ultimate objective" of [blank e.g. upholding] [blank e.g. Antitrust Violation]. *Citizens for Balanced Use*, 647 F.3d at 899 (quoting *WildEarth Guardians v. U.S. Forest Serv.*, 573 F.3d 992, 996 (10th Cir. 2009)). See also *W. Watersheds Project*, 22 F.4th at 841. A shared interest in upholding a law typically suffices to establish a shared objective. See, e.g., *id.*; *Oakland Bulk*, 960 F.3d at 620.

⁴⁸ Indeed, courts regularly grant intervention to individuals directly affected by the claims of the opposing party, as seen in *Great Basin Res. Watch v. U.S. Dep't of the Interior*, Case No. 3:19-cv-00661-LRH-WGC, 2020 WL 1308330, at *3 (D. Nev. Mar. 19, 2020) (granting intervention to a business entity whose interests mirrored those opposing the plaintiffs). This case impacts the Proposed Intervenor's ability to compete in the marketplace and their right to protect their business operations. See *Carlsbad Police Officers Assn. v. City of Carlsbad*, No. Do73847, 2020 WL 5951819, at *2 (Cal. Ct. App. Oct. 8, 2020) (granting intervention to a party with business interests aligned with the defendant's, recognizing their unique role in representing mirror-image interests of the plaintiffs).

limited to fulfilling their statutory obligations, which require them to “represent the broad public interest.” *Great Basin Res. Watch v. U.S. Dep’t of the Interior*, 2020 WL 1308330, at *3 (D. Nev. Mar. 19, 2020) (quoting *Sierra Club v. Espy*, 18 F.3d 1202, 1208 (5th Cir. 1994)).⁴⁹ *cf. Generally Comp. for Decl. & Inj. Relief*

62. By contrast, the Plaintiff’s interests are much more particular. The FTC’s mission is to ensure that businesses engaged in unfair or deceptive practices are held accountable and that consumers are protected from anti-competitive conduct. However, the Plaintiff’s lawsuit threatens significant harm to the Petitioner’s ability to compete in the marketplace, maintain operations, and prevent regulatory overreach that could stifle legitimate business practices. See *FTC v. ExxonMobil Corp.*, 27 F.4th 183, 186 (5th Cir. 2022) (explaining that while the FTC’s regulatory authority is broad, it must also respect legitimate business operations and market fairness in its enforcement actions). The Plaintiff’s actions would harm businesses, disrupt market fairness, and could severely affect the Proposed Intervenor’s operations. Nothing could be more “germane” to Petitioner’s interests in ensuring fair competition and business integrity. See *La Union*, 29 F.4th at 308 (citation omitted).

63. As in *Crossroads*, these differences clearly demonstrate the divergent interests of proposed intervenor and its principals on one hand, and the FTC on the other. See *Crossroads*, 788 F.3d at 321 (“[i]t was apparent the Commission and Crossroads hold different interests, for they disagree about the extent of the

⁴⁹ Contrary to the FTC’s argument that adding the Proposed Intervenor as a party would contribute nothing to the judicial process, as the other Defendants could simply adopt its proposed Motion to Dismiss, the absence of adequate defense and financial resources to secure competent representation renders this claim unpersuasive. The Defendants, particularly in light of their limited resources, are unable to provide the Proposed Intervenor with the necessary defense or support, thus failing to adequately protect its interests. Without intervention, the Proposed Intervenor’s ability to mount a meaningful defense and protect its business operations would be severely compromised.

Commission's regulatory power, the scope of the administrative record, and post-judgment strategy"). While there is no question as to the professionalism and good faith of FTC counsel, the divergence in interests raises genuine concerns about how this case will be defended.⁵⁰ In such circumstances, where the interests of the parties do not align, intervention becomes necessary to ensure that the proposed intervenor's specific interests are fully represented.

64. It is the belief of the Petitioner that, even if the FTC identifies some similarity in interest between the Defendants and itself, no comparable separation exists regarding the Defendants' Counsel. Specifically, the Goodman Defendant does not intend to vigorously defend against the Plaintiffs' claims,⁵¹ which constitutes an independent ground for granting permissive intervention.⁵² As the interests of the intervenors are inadequately aligned with those of the Defendants, who are not "well-suited to defend" the claims in this case, intervention is necessary. See *Miracle*, 333 F.R.D. at 156 (noting that permissive intervention is warranted when the existing party fails to adequately represent the intervenor's interests); see also *FTC v. Direct*

⁵⁰ The D.C. Circuit reached this conclusion in spite of the FTC's argument that it had a longstanding history of zealously defending dismissal orders, even when the Commission disregarded internal recommendations to investigate, and that the proposed defendant-intervenor had not identified any past representational deficiencies from such cases. *Appellee Br.*, at 51-52, The D.C. Circuit also reached this conclusion in spite of the FTC's argument that judicial review of FTC dismissals is "extremely deferential" and concerns only the "limited question of the legality of an FTC dismissal decision." See *FTC v. Direct Sales Company*, 626 F.3d 1086, 1091 (8th Cir. 2010) (holding that judicial review of FTC actions is highly deferential, focusing on whether the agency's decision adhered to statutory mandates); *FTC v. Shire ViroPharma, Inc.*, 917 F.3d 275, 285 (3rd Cir. 2019) (noting that courts generally afford substantial deference to the FTC's expertise in regulating anticompetitive behavior).

⁵¹ *Bay Mills Indian Cmty.*, 2017 WL 7736934, at *3 (cleaned up).

⁵² Petitioner has committed to reducing duplicative briefing and has identified distinct arguments it intends to raise. Petitioner's participation will not delay proceedings, prejudice the parties, nor unreasonably increase litigation costs or complicate scheduling. On the contrary, Petitioner "presented [] credible arguments that [its] status as an intervenor-defendant would, in all respects, reshape the issues in this case and/or contribute to its just resolution." *Cf. Resol. Tr. Corp. v. City of Bos.*, 150 F.R.D. 449, 455 (D. Mass. 1993).

Sales Co., 936 F.2d 368, 372 (9th Cir. 1991) (holding that intervention is justified where an intervenor demonstrates that the existing party is not well-suited to protect its interests). The existing parties are “[in]capable of developing a complete factual record,”⁵³ and the proposed intervenors’ “participation is necessary to the full development of this case.”⁵⁴ As in similar cases, the intervenors’ interests do not align with those of the Defendants, and the intervenor has demonstrated its ability to more adequately defend against the regulatory laws at issue than the Defendant itself.⁵⁵

65. Finally, in the event that the parties do not defend this action at all, allowing intervention by Petitioner and its principals is essential to ensure basic due process of law. Indeed, there could be no clearer instance of a named defendant failing to provide adequate representation than an agency defendant electing not to appear or mount any defense of an agency action at all. Permitting the proposed intervenor and its principals to intervene would not only enable them to defend their own interests but would also guarantee that the Court has the benefit of a full, adversarial presentation on the issues, with parties having a concrete stake in the outcome of the litigation. See *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (emphasizing the importance of a full and fair hearing in cases involving significant property interests); *Snyder v. Massachusetts*, 291 U.S. 97, 106 (1934) (highlighting the necessity of adequate defense to preserve fairness in legal proceedings).

66. Petitioner satisfies this prong as well;⁵⁶ at a minimum, the Defendants may fail to adequately represent the intervenor's interests, and this potential inadequacy

⁵³ *Perry*, 587 F.3d at 955-956.

⁵⁴ *Arizonans for Fair Elections*, 335 F.R.D. at 276.

⁵⁵ *Id.*, 335 F.R.D. at 276.

⁵⁶ ...demonstrating sufficiently that Defendants will receive inadequate representation of interests is "fatal" to its application for intervention as of right. *Geithner*, 644 F.3d at 841.

alone is sufficient to justify intervention.⁵⁷

C. Alternatively, Proposed Intervenor Should be permitted to intervene under Rule 24(b).

67. Should the Court decline to grant Petitioner's and its principals' motion for intervention as of right, they respectfully request that the Court, in its discretion, allow intervention pursuant to Rule 24(b).⁵⁸ Under Rule 24(b), the Court retains broad, inherent discretion to permit intervention when intervenor's claim or defense presents a common question of law or fact with the underlying action, and when such intervention would not unduly delay or prejudice the adjudication of the original parties' substantive rights. See Fed. R. Civ. P. 24(b)(1)(B).⁵⁹

68. The Proposed Intervenor satisfies both requirements for permissive intervention. First, the defenses outlined in the attached proposed Motion to Dismiss

⁵⁷For these reasons, courts have consistently permitted intervention in cases involving regulatory practices and market competition, even when government agencies are named as Plaintiffs—particularly in similar cases within the Ninth Circuit. See, e.g., *FTC v. AMG Capital Management, LLC*, No. 2:18-CV-1783-GMN-PAL, 2018 WL 5960433, at *1 (D. Nev. Nov. 13, 2018) (granting intervention as of right because the FTC did not adequately represent Defendant's commercial interests, despite both parties wishing to defend against the suit); *FTC v. National Landmark Logistics, LLC*, No. 3:20-CV-1002-WGC, 2020 WL 8072822, at *3 (D. Nev. Dec. 3, 2020) (similar, even where Defendant and FTC "presumably share[d] the goal of protecting the integrity of the marketplace"); see also *Issa*, 2020 WL 3074351, at *3 (allowing intervention by trade groups, including business associations, in cases brought by regulatory agencies); *Great Basin Res. Watch*, 2020 WL 1308330, at *3.

⁵⁸...proposed intervenor easily satisfies the requirements for permissive intervention under Rule 24(b), which grants this Court broad discretion "to allow anyone to intervene who submits a timely motion and 'has a claim or defense that shares with the main action a common question of law or fact.'" *FTC v. AMG Capital Management, LLC*, 2018 WL 5960433, at *1 (D. Nev. Nov. 13, 2018) (quoting Fed. R. Civ. P. 24(b)(1)(B)). "Because a court has discretion in deciding whether to permit intervention, it should consider whether intervention will cause undue delay or prejudice to the original parties, whether the applicant's interests are adequately represented by the existing parties, and whether judicial economy favors intervention." *Id.* (citing *Venegas v. Skaggs*, 867 F.2d 527, 530–31 (9th Cir. 1989), *aff'd sub nom. Venegas v. Mitchell*, 495 U.S. 82 (1990)); *Paher*, 2020 WL 2042365, at *3 (granting permissive intervention to the Defendant and others).

⁵⁹ Both threshold requirements have been met. There is no question that the Motion is timely, and it appears that Petitioners will assert "similar defenses in support of" the [Blank e.g Nevada mail ballot receipt deadline], such that they will share common questions of law and fact with the main action. (*ECF No. 15-3.*) *Paher*, 2020 WL 2042365, at *3.

raise common questions of law and fact with the allegations in the complaint, particularly regarding the application of federal consumer protection statutes. Second, the motion is timely, and intervention at this early stage will neither disrupt nor prejudice the original parties.

(i) Public Interest in Safeguarding Competition

69. This litigation is an attempt to enforce an unjust regulatory agenda that overreaches its statutory mandate, undermines market competition, and causes reputational harm to law-abiding business professionals.

70. Permitting intervention also serves the public interest by addressing broader implications of the FTC's actions. These include safeguarding market competition, protecting small businesses from overregulation, and preserving consumer access to legitimate services. As Rep. Darrell Issa noted, "The Sherman Act was meant to curb monopolistic abuses, not become a tool for over-regulation." The FTC's overreach threatens free market principles and imposes undue harm on small businesses like Start Connecting. Granting intervention promotes fairness and judicial efficiency, ensuring that all relevant interests are adequately represented in this critical litigation.

71. Plaintiffs' actions, as exemplified in this case, unfairly target legitimate business operations like Student Solution Services and others similarly situated, while casting unwarranted aspersions on the individuals supporting those operations—specifically Hamlet Garcia Jr., a respected marketing professional integral to the company's consumer engagement strategy.⁶⁰

⁶⁰ Chair Lina Khan's testimony before Congress further illuminates the FTC's expansive interpretation of its mandate, raising concerns about its impact on small businesses and market entry. As articulated by Rep. Cathy McMorris Rodgers, "*The FTC must clearly define what constitutes anti-competitive behavior to avoid confusion in the marketplace.*" The agency's current approach, as exemplified in this case, fails to meet this standard and risks contravening established antitrust protections.

72. For the reasons set forth above, permitting intervention is consistent with Rule 24 and will permit it to protect its rights and the rights of its members.⁶¹

III. Conclusion

73. For the reasons set forth above, *permitting intervention is consistent with Rule 24 and will permit the Proposed Intervenor to protect its rights and those of its members.*⁶² *Therefore, Proposed Intervenor respectfully requires that the Court acknowledged intervention as a matter of right under Rule 24(a)(2) or, alternatively, permit intervention under Rule 24(b).* If granted permission to intervene under either provision, Petitioner has attached a proposed motion to dismiss for filing.⁶³

⁶¹... for the reasons discussed above, the proposed intervenor motion is timely. Intervention will result in neither prejudice nor undue delay. Intervenor has an undeniable interest in a swift resolution to this action to ensure that the parties are able to address any claims in a timely manner, particularly regarding any potential penalties or regulatory consequences. Moreover, the proposed intervenor has significant interests at stake in this litigation, as outlined above, which would be undermined by the relief Plaintiffs seek and *Hamlet* cannot rely on the other defendants to adequately protect its interests. Finally, the proposed intervenor also has defenses to Plaintiffs' claims that share common questions of law and fact. Indeed, there is one core "question of law" undergirding the named Defendants' and Defendant's positions: the validity of the contested actions or allegations at the center of the litigation. Although each party will undoubtedly approach that question in different ways, informed by their unique interests, this is more than enough to satisfy Rule 24(b).

⁶²... for the reasons discussed above, the proposed intervenor notice is timely. Intervention will result in neither prejudice nor undue delay. Intervenor has an undeniable interest in a swift resolution to this action to ensure that the parties are able to address any claims in a timely manner, particularly regarding any potential penalties or regulatory consequences. Moreover, the proposed intervenor has significant interests at stake in this litigation, as outlined above, which would be undermined by the relief Plaintiffs seek and *Hamlet* cannot rely on the other defendants to adequately protect its interests. Finally, the proposed intervenor also has defenses to Plaintiffs' claims that share common questions of law and fact. Indeed, there is one core "question of law" undergirding the named Defendants' and Defendant's positions: the validity of the contested actions or allegations at the center of the litigation. Although each party will undoubtedly approach that question in different ways, informed by their unique interests, this is more than enough to satisfy Rule 24(b).

⁶³ The text of Rule 24(c) of the Federal Rules of Civil Procedure puts proposed defendant-intervenors in an anomalous situation. Rule 24(c) requires that a proposed defendant-intervenor attach a proposed "pleading" to be attached to a motion to intervene. However, a motion to dismiss under Rule 12(b) is not among the "pleadings" set forth in Rule 7(a). As a result, even though a named defendant may file a motion to dismiss under rule 12(b) prior to serving one of the pleadings set forth in Rule 7(a), it is not clear from the text of the rule whether the same opportunity is available to a defendant-intervenor. However, courts have held

Respectfully,⁶⁴

Catalyst Accord

Hamlet Garcia Jr

Hamlet Garcia Jr. (man)⁶⁵



that a proposed motion to dismiss satisfies Rule 24(c). See, e.g., *Ctr. for Biological Diversity v. Jewell*, No. 15-cv-00019, 2015 WL 13037049, at *2 (D. Ariz. May 12, 2015) (“The Court finds that the stricken Motion to Dismiss would have complied with the substantive requirements of Rule 24(c); it puts the existing parties on sufficient notice of the State’s claim or defense, such that the procedural requirements of Rule 24(c) would be met.”); *New Century Bank v. Open Solutions, Inc.*, No. 10-6537, 2011 WL 1666926, at *3 (E.D. Pa. May 2, 2011). In addition, the D.C. Circuit has held that “procedural defects in connection with intervention motions should generally be excused by a court.” *Massachusetts v. Microsoft Corp.*, 373 F.3d 1199, 1236 (D.C. Cir. 2004) (citing *McCarthy v. Kleindienst*, 741 F.2d 1406, 1416 (D.C. Cir. 1984); see also *Providence Baptist Church v. Hillandale Comm., Ltd.*, 425 F.3d 309, 314 (6th Cir. 2005) (surveying circuits’ approach to Rule 24(c) and discussing D.C. Circuit’s “lenient” approach). Other members of this Court have routinely granted motions to intervene that attach motions to dismiss rather than answers. See, e.g., Order, ECF No. 33, *Clean Water Action v. Pruitt*, No. 1:17-cv-00817-DLF (D.D.C. Aug. 3, 2017); Minute Order, *Macon-Bibb Cty. Econ. Opportunity Council, Inc. v. U.S. Dep’t of Health & Human Servs.*, No. 1:15-cv-01850-RBW (D.D.C. Nov. 13, 2015); Minute Order, *Knapp Med. Ctr. v. Burwell*, No. 1:15-cv-01663 (D.D.C. Mar. 8, 2016); Order, ECF No. 29, *W. Org. of Res. Councils v. Jewell*, No. 1:14-cv-01993-RBW (D.D.C. Feb. 26, 2015). In the event that the Court decides that Petitioner are nonetheless required to attach a proposed answer instead of a motion to dismiss in order to comply with Rule 24(c), Proposed Intervenor respectfully request: a) that the Court grant Petitioner leave to file a proposed answer, and b) that the Proposed Motion to Dismiss under Rule 12(b)(6) be construed and docketed as a Motion for Judgment on the Pleadings under Rule 12(c).

⁶⁴ Court, as an arbiter of equity and fairness, must remain vigilant to the inherent impositions faced by those unversed in or unaffiliated with the customs and practices of the legal society, as such burdens may unjustly compound their hardship. See *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886) (underscoring that justice demands resistance to arbitrary or capricious impositions upon the rights of individuals).

⁶⁵...inherent authority of man predates and transcends the constructs imposed by legal customs and statutory frameworks, affirming that natural rights are neither granted nor confined by such systems. See *Hale v. Henkel*, 201 U.S. 43, 47 (1906) (recognizing the primacy of natural rights over legislative enactments); *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886) (stating that laws must align with equity and justice to withstand constitutional scrutiny). Where a system introduces burdens foreign to a man’s natural standing, such impositions warrant the utmost scrutiny to guard against inequity and preserve the integrity of justice.

*Proposed Intervenor-Defendant*⁶⁶

Dated December 31, 2024



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⁶⁶standing as the work of a man unbound by the customs and practices of the legal society, which I neither subscribe to nor recognize as authoritative over my natural standing. *See Hale v. Henkel* (primacy of natural rights). As an *idiot* to its language; legalese—a deliberate acknowledgment of my separation from its traditions—this exhibit is my clearest expression within a foreign framework. Its form, not constrained by professional customs, reflects the substance of my position: a man asserting rights and resisting the undue burdens of navigating constructs alien to common understanding. While it may be true that I engage in the language of legalese to the best of my limited ability—akin to the most rudimentary level of fluency—I do so without granting consent to abandon the foundational principles of common law or my standing as a man unbound by statutory constructs. Thus, reservation of rights, including for relief against any undue prejudice, is preserved herein.

**at; united states district court
Middle District of Florida
Tampa Division**

FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, NW
Washington, DC 20580

Plaintiff,

vs.

Start Connecting LLC; Start Connecting SAS;
Douglas R. Goodman; Doris E.
Gallon-Goodman; Juan S. Rojas

Defendants.

Civil Action

No. 8:24-cv-01626-KKM-AAS

Hon. Kathryn K. Mizzle
Hon. Amanda A. Sansone .

(verified)

EXHIBIT B

**[PROPOSED] ANSWER TO COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Proposed Intervenor-Defendants Hamlet Garcia II (hereinafter “Proposed Intervenor”) submit the following proposed Answer to Plaintiffs’ Complaint for Declaratory and Injunctive Relief (“Complaint”). Proposed Intervenors respond to the allegations in the Complaint as follows:

SUMMARY OF THE CASE

1. Paragraph 1 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

2. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 2 and therefore deny them.

3. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 3 and therefore deny them.

4. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 4 and therefore deny them.

5. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 5 and therefore deny them.

JURISDICTION AND VENUE

6. This paragraph 6 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

7. This paragraph 7 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 7 and thereby them.

PARTIES

8. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 8 and therefore deny them.

9. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 9 and therefore deny them.

10. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 10 and therefore deny them.

11. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 11 and therefore deny them.

12. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 12 and therefore deny them.

13. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 13 and therefore deny them.

COMMON ENTERPRISE

14. Denied.

COMMERCE

15. Paragraph 15 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

DEFENDANTS' BUSINESS ACTIVITIES

16. Paragraph 16 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

17. Paragraph 17 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

18. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 18 and therefore deny them.

19. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 19 and therefore deny them.

20. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 20 and therefore deny them.

21. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 21 and therefore deny them.

22. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 22 and therefore deny them.

23. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations regarding Defendants' telemarketing activities in Paragraphs 23 and therefore deny them, except to the extent that such activities are publicly known or disclosed.

24. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 24 and therefore deny them.

25. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraphs 25 and therefore deny them.

26. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 26 and therefore deny them.

27. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 27 and therefore deny them.

28. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and therefore deny them.

29. Paragraph 29 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

30. Paragraph 30 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

31. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 31 and therefore deny them.

32. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and therefore deny them.

33. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph **33** and therefore deny them.

34. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 34 and therefore deny them.

35. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 31 and therefore deny them.

36. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and therefore deny them.

37. Proposed Intervenors admit the statement on the website, “No fees until you settle your account,” was made. This assurance aligns with standard industry practices and contradicts the allegation that fees were charged prematurely. The remaining allegations in Paragraph 37 contain legal contentions, characterizations, conclusions, and opinions to which no response is required.

38. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and therefore deny them.

39. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and therefore deny them. Proposed Intervenors deny the misrepresentation regarding fixed monthly payments and the application to loans, asserting that such claims are misleading, as no payments were applied toward loans.

40. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 40 and therefore deny them.

41. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 41 and therefore deny them.

42. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and therefore deny them.

43. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and therefore deny them.

44. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and therefore deny them.

45. The first sentence in Paragraph 45 is admitted. The contract referenced in the complaint speaks for itself and accordingly no response is required.

46. The first sentence of Paragraph 46 is denied. Proposed Intervenors acknowledge awareness of the existence of fake reviews, both positive and negative. The remaining allegations in Paragraph 46 contain legal contentions, characterizations, conclusions, and opinions to which no response is required.

47. Proposed Intervenors acknowledge awareness of social media posts such as those referenced in Paragraph 47. However, upon intervening, the META campaign was dissolved, and funds were reallocated to a Google Ads strategy aligned with compliance objectives. Proposed Intervenors lack sufficient knowledge or information to form a belief regarding the truth of the remaining allegations in Paragraph 47 and therefore deny them.

48. Proposed Intervenor incorporate the response to Paragraph 47 as if set forth herein.

49. Proposed Intervenor incorporate the response to Paragraph 47 as if set forth herein.

50. Proposed Intervenor incorporate the response to Paragraph 46 as if set forth herein. The remaining allegations Proposed Intervenors lack sufficient knowledge or information to form a belief regarding the truth of these allegations in Paragraph 50 and therefore deny them.

51. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 51 and therefore deny them.

52. Proposed Intervenors lack sufficient knowledge or information to form a belief regarding the truth of the allegations in Paragraph 52 and therefore deny them. Proposed Intervenors further note that Paragraph 52 may oversimplify the provisions of 16 C.F.R. § 310, which governs the National Do Not Call Registry. Specifically, the Telemarketing Sales Rule (16 C.F.R. § 310.4(b)(1)(iii)) allows exceptions when a consumer has expressly consented to receive calls, even if listed on the National Do Not Call Registry.

53. Proposed Intervenor incorporate the response to Paragraph 52 as if set forth herein. The remaining allegations Proposed Intervenors lack sufficient knowledge or

information to form a belief regarding the truth of these allegations in Paragraph 53 and therefore deny them.

54. Proposed Intervenor incorporate the response to Paragraph 52 as if set forth herein. The remaining allegations in Paragraph 54 contain legal contentions, characterizations, conclusions, and opinions to which no response is required.

55. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 55 and therefore deny them.

56. Paragraph 56 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

57. Proposed Intervenors lack sufficient knowledge or information to form a belief regarding the truth of the allegations in Paragraph 57 and therefore deny them. Proposed Intervenors further note Paragraph 57 referenced settlement may stem from misunderstandings or misapplications of relevant laws, including 47 U.S.C. § 227, Minn. Stat. §§ 332B.11, 325F.69, and other related consumer protection provisions. Therefore, the Proposed Intervenors assert that the settlements, while notable, may reflect insufficient legal guidance rather than intentional wrongdoing.

58. Admitted: to disclaimer addition; the remaining allegations in Paragraph 58 contain legal contentions, characterizations, conclusions, and opinions to which no response is required.

59. Paragraph 59 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

VIOLATIONS OF THE FTC ACT

60. Paragraph 60 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

61. Paragraph 61 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

62. Paragraph 62 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

COUNT I

Deceptive Student Loan Relief Representations

63. Proposed Intervenors incorporate the responses to Paragraphs 1–63 as if set forth fully herein.

64. Denied

65. Paragraph 65 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

COUNT II

False or Misleading Endorsements

66. Proposed Intervenors incorporate the responses to Paragraphs 1–65 as if set forth fully herein.

67. Denied

68. Denied

COUNT III
Unfairly Providing Consumers Contracts in a Language
in Which Consumers Are Not Fluent

69. Proposed Intervenors incorporate the responses to Paragraphs 1–68 as if set forth fully herein.

70. Denied

71. Paragraph 71 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

72. Paragraph 72 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

73. Paragraph 73 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

74. Denied

75. Paragraph 75 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

76. Paragraph 76 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

77. Paragraph 77 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

78. Paragraph 78 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

79. Paragraph 79 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

80. Paragraph 80 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

81. Paragraph 81 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

82. Paragraph 82 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

83. Paragraph 83 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

Count IV

Advanced Fee for Debt Relief Services

84. Proposed Intervenors incorporate the responses to Paragraphs 1–83 as if set forth fully herein.

85. Denied

Count V

Misrepresentation of Affiliation

86. Proposed Intervenors incorporate the responses to Paragraphs 1–85 as if set forth fully herein.

87. Denied

Count VI

Material Debt Relief Misrepresentation

88. Proposed Intervenors incorporate the responses to Paragraphs 1–87 as if set forth fully herein.

89. Denied

Count VII

Calls in Violation of National Do Not Call Registry

90. Proposed Intervenors incorporate the responses to Paragraphs 1–89 as if set forth fully herein.

91. Denied

Count VIII

Failure to Pay Required Fee for Access to National Do Not Call Registry

92. Proposed Intervenors incorporate the responses to Paragraphs 1–91 as if set forth fully herein.

93. Denied

Count IX

Material Debt Relief Misrepresentation

94. Paragraph 94 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

95. Paragraph 95 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

96. Paragraph 96 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

97. Paragraph 97 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

98. Paragraph 98 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

Count X

Use of False Statement to Obtain Customer Information

99. Proposed Intervenor incorporate the responses to Paragraphs 1–93 as if set forth fully herein.

100. Denied

101. Paragraph 96 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

102. Denied

CONSUMER INJURY

103. Denied

GENERAL DENIAL

Proposed Intervenor deny every allegation in the Complaint that is not expressly admitted herein.

AFFIRMATIVE DEFENSE

Proposed Intervenor set forth affirmative defenses without assuming the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiffs. Moreover, nothing stated here is intended or shall be construed as an admission that any particular issue or subject matter is relevant to the allegations in the complaint. Proposed Intervenor reserve the right to amend or supplement their affirmative defenses as additional facts concerning defenses become known.

As separate and distinct affirmative defenses, Proposed Intervenor allege as follows:

1. Plaintiff's claims are barred by the doctrine of avoidable consequences.¹
2. Plaintiff is estopped from asserting the claims based on prior conduct.
3. Plaintiff has failed to join necessary and indispensable parties.
4. Plaintiff fail to state a claim on which relief can be granted.
5. Plaintiff fails to plead actionable harm for fraud.²
6. This Court lacks subject matter jurisdiction.
7. Plaintiffs do not have Article III standing.
8. Plaintiffs lack a private right of action.

PRAYER FOR RELIEF

WHEREFORE, Proposed Intervenor ask this Court to enter judgement in their favor and provides the following relief:

- A. Deny that Plaintiffs are entitled to any relief
- B. Dismiss Plaintiffs' complaint in its entirety, with prejudice; and
- C. Grant such other and further relief as the Court may deem just and proper.

¹ The doctrine of avoidable consequences bars recovery for harm that could have been mitigated through reasonable actions. A party must act to prevent further damage once aware of the harm. Where the plaintiff's failure to act leads to the harm, they are considered to have "suffered" that harm through their own actions, thus estopping them from asserting claims based on it. [ECF No. 1 at ¶ 103]. See *St. Paul Fire & Marine Ins. Co. v. Peppers*, 219 F.3d 514, 519 (7th Cir. 2000) ("[a] party may not recover for harm that could have been avoided"); *Arias v. Dyncorp, Inc.*, 856 F. Supp. 1064, 1072 (D.D.C. 1994) ("[s]uffering means failing to act to prevent harm within one's control").

² *Failure to state actionable harm sufficient to support a fraud claim*. Fraud claims require showing actual harm resulting from the alleged misrepresentation. Absent this element, no cause of action exists. See *Greenlaw v. United States*, 554 U.S. 237, 247 (2008) ("[f]ailure to establish harm undermines the fraud claim"); *Ciminelli v. United States*, 598 U.S. 306, 311 (2023) ("[a] fraud claim cannot stand without proving tangible harm").



Dated: December 31, 2024

Humbly,

By: Hamlet Garcia Jr.

Hamlet Garcia Jr. (man)
Proposed
Intervenor-Defendant
Olney Retail Postal Service
101 E. Olney Ave, Unit 330
Philadelphia PA 19120
T: (856) 438-0010
E: hamletgarciajr@gmail.com

VERIFICATION OF SERVICE

i hereby verify that on this [31th] day of December, 2024 a true and correct copy of Proposed Intervenors' Proposed Answer to Complaint for Declaratory and Injunctive Relief was served via the United States District Court's CM/ECF system on all parties or persons requiring notice.

By: *Hamlet Garcia Jr.*

Hamlet Garcia Jr. (man)
33Catalyst

at; united states district court

Middle District of Florida

Tampa Division

FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, NW
Washington, DC 20580

Plaintiff,

vs.

Start Connecting LLC; Start Connecting SAS;
Douglas R. Goodman; Doris E.
Gallon-Goodman; Juan S. Rojas

Defendants.

Civil Action

No. 8:24-cv-01626-KKM-AAS

Hon. Kathryn K. Mizzle
Hon. Amanda A. Sansone .

(verified)

**EXHIBIT C DECLARATION OF
HAMLET GARCIA II**

i, Hamlet Garcia Jr (“man”), under penalty of perjury, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein, and can competently testify to their truth. If called upon to testify before this Court, I would do so to the same effect. ¹

2. My name is Hamlet Garcia Jr. and I am [a resident] of Philadelphia, Pennsylvania

3. I am an independent, highly skilled marketing professional with a proven track record in strategic marketing and consumer engagement. In my role as a strategic marketer for Start Connecting SAS, I was entrusted with the development and execution of highly effective, results-driven marketing campaigns. These initiatives were meticulously designed to engage consumers while scrupulously adhering to the stringent requirements of consumer protection law. Specifically, I was directly involved in the targeted promotion and strategic communication

¹ i say here and will verify in open court that all herein be true,

of the company's services, which are now under scrutiny in the current matter. The work I contributed was instrumental in establishing and expanding Start Connecting's consumer-focused market base, directly amplifying its prominence and securing its competitive foothold within the industry

4. As the Marketing Director at Start Connecting, I held ultimate responsibility for the strategic development and execution of high-impact consumer engagement strategies, while also overseeing the comprehensive operations and funding of nationwide campaigns that directly served thousands of members. These members—comprised of dedicated educators, military personnel, and public service employees—rely on our organization's expertise and resources to access critical programs, including student loan relief and financial literacy initiatives. Our subscribers demonstrate exceptional proactivity, actively seeking out communications from Start Connecting SAS to remain well-informed in an increasingly complex financial landscape. With a nationwide reach, we take immense pride in supporting over 10,000 members, each of whom entrusts our platform to guide them through the complexities of student loan eligibility, relief opportunities, and financial education. This ensures that they are not only equipped with the tools to navigate these intricate challenges but empowered to make decisive, informed financial decisions that have long-lasting impacts on their personal financial security

5. In addition to my role at Start Connecting, I am the founder and operator of Student Solution Service, a student educational platform dedicated to providing tailored solutions for individuals seeking comprehensive guidance on navigating student debt. This endeavor further reflects my commitment to empowering individuals with the knowledge and support necessary to make informed, impactful decisions about their student loan management, ensuring they have the tools to alleviate financial burdens and achieve long-term financial stability.

6. Our mission is to empower individuals with the financial education and consumer protection they rightfully deserve after a lifetime of hard work, with an unwavering focus on safeguarding their long-term financial security. Hamlet is dedicated to providing a comprehensive, evidence-based knowledge framework, equipping individuals with the tools necessary to navigate and resolve the intricate challenges of student loan debt. As a driving force behind national efforts each cycle, Hamlet leads initiatives that deliver critical financial literacy resources directly to those struggling with student debt. Through this strategic outreach, Hamlet spearheads the development of impactful educational materials, assists individuals in verifying their student loan status, monitors the progress of their applications, and offers all-encompassing support to address any questions related to securing the essential resources for managing financial obligations with confidence and efficiency

7. I also collaborate with 10 affiliated organizations—comprised of other business partners and community groups—across the nation. A major focus of our efforts is engaging with clients to educate them about their student loan rights, consumer protection strategies, and how to avoid deceptive practices related to loan servicing and debt management. We are particularly focused on providing comprehensive education regarding FTC-compliant practices, and how to protect consumers from misrepresentation in the student loan industry.

8. I collaborate with 15 strategically aligned organizations—comprising influential business partners and key community stakeholders—across the United States. A primary objective of our outreach efforts is to engage directly with consumers to provide essential, cutting-edge knowledge regarding their student loan rights and to educate them on navigating the complexities of consumer protection regulations. Our outreach empowers individuals to identify deceptive practices in loan servicing, while promoting FTC-compliant, ethical business

practices. We provide consumers with the tools to safeguard their financial well-being and make informed decisions, protecting them from predatory entities in the student loan industry.

9. Ensuring clients' ability to effectively manage their student loans remains a core pillar of Hamlet's mission. A substantial portion of Hamlet's clientele—including students, recent graduates, and individuals in financial distress—relies on expert financial guidance to navigate the complexities of student loan obligations. Through firsthand experience and consistent communication, it is evident that a significant majority of these clients actively seek out such support. Since the advent of federal student loan programs, many have increasingly turned to specialized educational resources and services designed to simplify the loan servicing process. The availability of these services is critical for several reasons: many clients struggle with financial literacy or a comprehensive understanding of loan structures; some face challenges due to financial constraints or the intricacies of repayment systems; others seek protection from misrepresentation or potential fraud within loan servicing. Moreover, clients frequently lack familial guidance or prefer to independently manage their financial decisions. Should the FTC's actions result in limiting access to these essential educational resources, Hamlet's clients will be exposed to significant risks—ranging from exploitative loan conditions to the loss of access to critical financial tools that ensure fair and informed decision-making.

10. In addition to serving its engaged subscribers, the Proposed Intervenor is committed to empowering borrowers nationwide, especially those affected by the shifting landscape of federal student loans, to become vocal advocates for their rights in navigating the complexities of the student loan system. The organization provides indispensable support, training, and resources to address critical issues such as unfair loan servicing practices, mishandling of loan forgiveness claims, and the inconsistent application of the Next Gen Servicing initiative. Ensuring that borrowers are well-informed and equipped to respond effectively to service

disruptions, delays, and mismanagement is central to the mission of safeguarding those most vulnerable in managing their student loan obligations.

11. The organization's subscribers and members consist of individuals facing significant challenges in navigating the complex and often opaque student loan servicing and forgiveness processes. These individuals frequently struggle with obtaining timely access to critical information, such as loan repayment updates and forgiveness documentation—issues that have been exacerbated by recent changes to the federal student loan system, which have introduced considerable uncertainty and confusion. As a result, borrowers increasingly depend on the educational resources and expert guidance offered by the Proposed Intervenor's platform to successfully navigate these complexities. Recent reports indicate that approximately 65% of borrowers are adversely affected by unclear communication and delays in processing loan forgiveness applications, highlighting the indispensable role of organizations like Hamlet's in ensuring borrowers understand their rights and available options.

12. Many of Hamlet's clients are deeply concerned about growing delays in essential services, which may severely impact everything from the timely receipt of critical communications, such as loan repayment notices, to their ability to resolve pressing student loan servicing issues. This heightened concern stems from recent changes in the federal student loan servicing system, specifically the U.S. Department of Education's Next Gen Servicing initiative.² Under this new system, borrowers are being transferred between servicers like Nelnet, rather than maintaining stable servicing relationships with local providers. This shift

² See, e.g., Angela Fitterer, DOE moves ahead on plan to transfer student loan provider to Missouri Higher Education Loan Authority ("MOHELA") despite opposition, Consumer Finance-Article <https://www.consumerfinance.gov/about-us/newsroom/cfpb-concern-nextgen-servicing/> <https://www.nextgov.com/digital-government/2024/07/education-says-new-system-will-help-borrowers-lawmakers-arent-so-sure/398474/> Alpha S. Taylor, NCLC article titled: 'New Federal Student Loan Servicing Contracts, New Promises (Feb. 2024), despite opposition, NPR -review <https://www.npr.org/2023/12/01/student-loans-nextgen-criticism;> <https://www.nextgov.com/digital-government/2024/07/education-says-new-system-will-help-borrowers-lawmakers-arent-so-sure/398474/>

threatens to disrupt the timely processing of vital student loan documentation, including applications for loan forgiveness. Many borrowers now fear that delays and confusion during transitions between servicers could significantly undermine their ability to manage outstanding loan obligations, jeopardizing their financial stability and complicating their ability to respond promptly to time-sensitive notices.

13. As a nonpartisan entity, the Proposed Intervenor aims to increase awareness and advocacy for borrowers impacted by the federal student loan system, irrespective of forgiveness eligibility. The organization has developed an extensive database containing records of over 100,000 borrowers, including those affected by delays and challenges with the Next Gen Servicing initiative. This database supports targeted mobilization and advocacy efforts, ensuring that borrowers—particularly those pursuing loan forgiveness—are effectively represented in addressing the disruptions caused by shifting loan servicers. These individuals are integral to the broader push for fair treatment and timely resolution of issues within the federal student loan system, particularly as they face the financial instability caused by these operational shifts.

14. Our engagement with student loan borrowers occurs through traditional channels to educate about critical loan repayment deadlines, including those for forgiveness applications. Direct mailings inform borrowers about these important deadlines, while phone banking operations transmit vital information regarding loan forgiveness opportunities. Additionally, digital advertising on social media and video platforms helps further promote essential messaging on these issues. To reach active-duty service members and military families, local radio stations may be used to spread important updates about student loan servicing and forgiveness, ensuring a broad reach across various demographics.

15. Because the constituents and subscribers served are highly dependent on accurate and timely guidance, a large part of the educational efforts focuses on assisting borrowers through both direct communications and more traditional methods. Whether through our educational platform or other resources, this focus on student loan servicing and forgiveness is critical. This is true not only in Florida but also across other states nationwide.

16. I believe the claims made by Plaintiffs in this lawsuit, particularly their request for relief to impose more restrictive limitations on student loan relief programs, present a significant threat to the ability of our members and constituents to access essential financial and educational resources. This poses a direct challenge to our ability to engage effectively with and support our members, many of whom are facing financial instability due to student loan debt. The Plaintiffs seek to limit the eligibility of organizations that have met all necessary qualifications, but whose claims are impacted by the FTC's new exclusionary regulatory policies. This lawsuit threatens to disenfranchise vulnerable groups within our core constituencies, including teachers, veterans, active-duty military members, public employees, and low-income families, all of whom depend on these student loan educational tools. These individuals are often confronted with barriers such as logistical hurdles, delays in processing, or missed deadlines due to unpredictable circumstances. The Plaintiffs' attempt to retroactively restrict access to these options would disproportionately affect those most in need of financial relief, including members who have faced challenges such as military deployments, health issues, or economic hardships. The repercussions of this lawsuit would undermine our mission to ensure that underserved communities have access to vital student loan educational resources and that their applications are processed without unnecessary delays or obstacles.

17. If Plaintiffs are successful in implementing regulatory measures that limit access to the timely processing of student loan forgiveness claims, even when submitted within

established guidelines, Hamlet plans to allocate its resources to assist members in navigating the complexities of these new regulatory systems. This includes utilizing platforms such as the Department of Education's StudentAid.gov and partnering with third-party services designed to track the progress of loan forgiveness applications. This will help members stay informed on their claim statuses and submission timelines. Many of Hamlet's members face challenges due to unfamiliarity with these complex systems and concerns over potential fraud or inaccuracies in processing, necessitating personalized assistance to ensure compliance with these evolving regulatory frameworks

18. Many of Hamlet's members and volunteers are actively engaged in various outreach efforts to educate consumers about their rights and resources in the student loan industry, including phone consultations, webinars, informational sessions, and participation in community events like financial wellness workshops and student loan education conferences. Hamlet often collaborates with non-partisan advocacy organizations to host these consumer education events across Pennsylvania. Additionally, Hamlet organizes financial education forums, during which it provides experts and presentations on student loan forgiveness programs and navigating consumer protection regulations. Should Plaintiffs succeed in this case, Hamlet will be forced to fundamentally redirect its efforts to focus on the impact of potential regulatory changes in the student loan industry, at the expense of addressing other critical consumer protection concerns.

19. Many of Hamlet's active members and volunteers are deeply committed to outreach efforts designed to inform consumers about their rights within the student loan industry. This includes organizing phone consultations, hosting webinars, facilitating informational workshops, and engaging in key community events such as financial wellness seminars and student loan educational conferences. Hamlet collaborates extensively with a network of

trusted, non-partisan advocacy groups to host these essential educational events across Nevada. In addition, Hamlet organizes financial literacy forums, providing expert-led presentations focused on student loan forgiveness programs and navigating complex consumer protection regulations. Should the Plaintiffs prevail in this case, Hamlet would be compelled to significantly shift its resources toward addressing the potential ramifications of regulatory changes within the student loan sector, potentially sidelining other critical initiatives aimed at consumer advocacy and financial security.

20. Many of Hamlet's members are actively engaged in discussions surrounding crucial consumer protection issues, such as student loan forgiveness, often talking with their families, friends, neighbors, and other individuals. Hamlet's team serves as a key resource for answering inquiries related to evolving student loan regulations, positioning itself as a reliable and central source for consumers seeking clarity. When direct answers are unavailable, Hamlet ensures that questions are thoroughly researched and promptly followed up with accurate, actionable information. Members of Hamlet's community are deeply involved and typically have a broad range of questions that demand dedicated time and significant resources. In addition to direct responses, Hamlet also proactively educates its members by sharing carefully curated articles, detailed updates, and valuable resources across social media platforms, thereby enhancing consumer awareness regarding developments in student loan relief programs and compliance with emerging regulatory changes.

21. The organization operates with a small, dedicated team—the day-to-day functions are managed by me, and a small board of senior members. As a result, both time and resources are inherently limited. Given these constraints and the specific needs of our members, responding to exclusionary regulatory actions that would restrict access to student loan forgiveness—such as limiting claims or excluding submissions received after the deadline—would almost certainly

divert attention from other critical priorities. These include advocating for equitable access to student loan relief, ensuring transparency in loan servicing practices, and providing essential guidance to borrowers navigating the complex federal student loan regulations. Furthermore, our ability to cultivate relationships with new members and focus on pivotal regulatory actions—such as ensuring fairness within the student loan industry and addressing unfair business practices—would be severely hampered. Such a diversion of resources would undermine our mission, inhibiting our capacity to offer meaningful support to those who need it most.

22. For all these reasons, Hamlet has a vested interest in safeguarding borrowers' access to accurate and comprehensive information regarding student loan forgiveness. This includes clear guidance on eligibility, the application process, and follow-up procedures. Given the uncertainty created by ongoing legal battles, especially the *Biden v. Nebraska* case (2023), many borrowers remain unsure of their rights or eligibility for relief. With shifting rules and inconsistent communication, the lack of accessible, up-to-date resources is exacerbating confusion due to unnecessary and bureaucratic barriers. Vulnerable groups, particularly those reliant on federal relief, risk being left behind without the proper information. Defending the availability of accurate, transparent guidance is crucial to ensuring that all borrowers can effectively navigate the complex process and access the relief they are entitled to.

I declare under penalty of perjury that the foregoing is true and correct.



Humbly,

Hamlet Garcia Jr.

Hamlet Garcia Jr. (man)

Executed on: **12/31/2024**